The Outlook

Volume 83 *Saturday, July 14, 1906* *Number 11*

CONTENTS

THE WEEK

An Announcement 583
The Agrarian Problem in Russia 583
The Duma and the Army 584
What Will the Emperor Do? 585
The Keats-Shelley Memorial 585
The Direct Primary 586
Another Phase of the Spoils System 587
An English Railway Accident 587
The Hampton Conference 588
The American Magazine 588
A Notable Address 589
An Influental Law Teacher 589
Jules Breton 590

EDITORIALS

Congress and Public Opinion 591
Will Society Protect Itself? 593
Two Political Idealists 594
The Spectator 597

CONTRIBUTED ARTICLES

Tyranny or Democracy—Which? 599
By Charles H. Brent
The Quest for Error and the Doing of Justice 601
By Charles F. Amidon
The Coming Age 605
By Lyman Abbott
Significance of the Oregon Experiment .. 612
By George A. Thacher
"Saying Prayers" 614
By Jeannette Parker
Why German Cities are Beautiful and Healthful 618
By W. H. Tolman
Impressions of a Careless Traveler: Some Light from the Lamp of Experience .. 620

BOOKS AND AUTHORS

Abraham Lincoln's Mastery of Men 623
John Wesley 625

LETTERS TO THE OUTLOOK 627

THE OUTLOOK is a Weekly Newspaper and an Illustrated Monthly Magazine in one. It is published every Saturday—fifty-two issues a year. The fourth issue in each month is an Illustrated Magazine Number, containing about twice as many pages as the regular weekly issue, and many pictures.

PRICE.—The subscription price is Three Dollars a year, payable in advance. Ten cents a copy.

POSTAGE IS PREPAID by the publishers for all subscriptions in the United States, Hawaiian Islands, Philippine Islands, Guam, Porto Rico, Tutuila (Samoa), Shanghai, Canal Zone, Cuba, Canada, and Mexico. For all other countries in the Postal Union add $1.56 for postage.

CHANGE OF ADDRESS.—When a change of address is ordered, both the new and the old address must be given. The notice should be sent one week before the change is to take effect.

DISCONTINUANCES.—If a subscriber wishes his copy of The Outlook discontinued at the expiration of his subscription, notice to that effect should be sent. Otherwise it is assumed that a continuance of the subscription is desired.

HOW TO REMIT.—Remittances should be sent by Draft on New York, Express-Order, or Money-Order, payable to order of THE OUTLOOK COMPANY. Cash should be sent in Registered Letter.

LETTERS should be addressed:

THE OUTLOOK COMPANY

287 Fourth Avenue, New York

Chicago Office, 1436 Marquette Building

Copyright, 1906, by the Outlook Company. Entered as second-class matter in the New York Post-Office.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

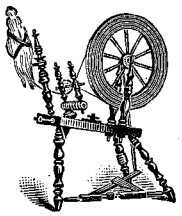
Dr. Deimel Underwear

During the hot weather you need more than ever the cool, porous, cleanly Dr. Deimel Linen-Mesh Underwear. For the perspiring, over-heated body, it is a refreshing luxury.

This Underwear can be washed and boiled with a certainty that it will come back from the laundry thoroughly cleaned, and the same size as when new.

Don't try to go through another summer without knowing and enjoying the comfort of Dr. Deimel Underwear.

Est. Half a Century



Reg. Trade-Mark

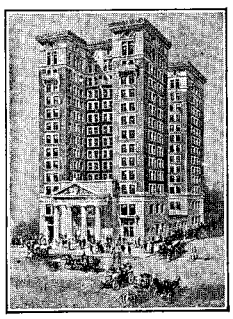
Men's White Negligee Shirts

We now offer a new line of these shirts which have been made in our own workrooms, and are thoroughly high grade. They may be had in two styles, both with cuffs attached.

White Madras, $2.50, and Pleated Linen at $3.50.

Mail orders have our prompt attention.

James McCutcheon & Co., 14 West 23d St., N. Y.



THE BUILDING OWNED AND OCCUPIED BY THE BANK

BANKING BY MAIL AT 4% INTEREST

ESTABLISHED 1868

No matter where you live, you can send your money to us and have it under your own control.

Let us send you our free booklet "V" telling about this large, safe bank and why we can pay 4% compound interest on savings of any amount from $1.00 to $10,000.00.

ASSETS OVER

FORTY-TWO MILLION DOLLARS

THE CITIZENS SAVINGS & TRUST CO.

CLEVELAND, OHIO. The City of Banks

The Farmers' Loan and Trust Company

Chartered 1822

Nos. 16, 18, 20 and 22 WILLIAM STREET

Branch Office, 475 FIFTH AVENUE

NEW YORK

CAPITAL, - - $1,000,000 00

UNDIVIDED PROFITS, 7,000,000 00

The Company is a legal depositary for moneys paid into Court, and is authorized to act as Executor, Administrator, Trustee, Guardian, Receiver, and in all other Fiduciary capacities.

Acts as Trustee under Mortgages made by Railroad and other Corporations, and as Transfer Agent and Registrar of Stocks and Bonds.

Receives deposits upon Certificates of Deposit, or subject to check and allows interest on daily balances.

Manages Real Estate and lends money on bond and mortgage.

Acts as Agent for the transaction of any approved financial business.

EDWIN S. MARSTON, President.
THOS. J. BARNETT, 2d Vice-President.
SAMUEL SLOAN, JR., Secretary.
AUGUSTUS V. HEELY, Asst. Secy.
WILLIAM B. CARDOZO, Asst. Secy.
CORNELIUS R. AGNEW, Asst. Secy.

BOARD OF DIRECTORS:

Samuel Sloan,
William Waldorf Astor,
D. O. Mills,
Franklin D. Locke,
George F. Baker,
A. G. Agnew,
Charles A. Peabody,
Hugh D. Auchincloss,
James Stillman.
Henry A. C. Taylor,
D. H. King, Jr.,
Robert C. Boyd,
E. R. Holden,
William Rowland,
Edward R. Bacon,
Henry H. Rogers,
Edwin S. Marston,
Moses Taylor Pyne,
S. S. Palmer,
Cleveland H. Dodge,
John L. Riker,
Henry Hentz,
H. Van Rensselaer Kennedy,
Archibald D. Russell,
P. A. Valentine.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Outlook

SATURDAY, JULY 14, 1906

❀

An Announcement

On the 4th of July Secretary of State Elihu Root sailed for South America, where he will attend the Pan-American Congress. He attends it, however, not as a delegate, and he goes to South America less to influence the sessions of the Congress than to study conditions in South America and to promote a good understanding between the South American Republics and the United States. When, twenty years ago, Mr. Blaine first undertook the cultivation of better relations between North and South America, the United States had abundant use in the development of its own country for all its capital. Meanwhile its wealth has increased and its need of great railways and analogous enterprises has lessened. Its great capitalists are looking for investments, and South America is looking for capital. And there is reason to believe that a Pan-American Congress will have better opportunity now than formerly to establish those international relations which are essential to stable and mutually profitable commercial undertakings. Two days before Mr. Root's departure, the Commissioners to the Congress sailed for Rio de Janeiro, where the sessions are to be held. The Outlook believes with Mr. Root that the time is opportune for the establishment of a new and better understanding between these two continents. And though The Outlook can do little to enable the South Americans to understand the United States, it can do a good deal to enable the people of the United States to understand the people of South America. It is therefore sending with the Commissioners to the Pan-American Congress, as its special representative, Mr. Sylvester Baxter, who sailed with them on the 2d of July. Mr. Baxter will not merely report the results of the Congress. Indeed, this is not his main mission. It is rather to study the conditions of life in the South American Republics and give our readers, by the aid of both the camera and the pen, some idea of our unknown neighbors. These articles will constitute one of the features of The Outlook in the fall and winter of 1906–7.

❀

The Agrarian Problem in Russia

Last week the sessions of the Duma, the Lower House of the Russian Parliament, were notable because of a discussion dealing at first hand with the agrarian problem—the question of questions to-day in Russia. In many provinces the drought is finally broken, but the rains have come too late to save the crops and help the muzhiks, or peasants, who are in a pitiable condition, their crops gone and their cattle either sold or starving in the fields. Present agrarian disorders are largely due to the necessary seizure of food and forage by the peasants to save their lives and the remainder of their cattle from starvation. These disorders have apparently reached their highest pitch in the provinces of Samara, Saratov, Voronetz, and Tambov, that central agricultural region where the troops are practically helpless and on the defensive. As the Government relief granaries are exhausted, the Ministry introduced a bill in the Duma last week appropriating a large sum to be dispensed by the Administration for famine relief. In proposing this, Finance Minister Kokovsov made no effort to conceal the Government's financial straits, even impeaching the figures given in this year's budget by his predecessor as conveying an inadequate idea of real conditions; he added that the Government was living beyond its means, and hence, in order to afford famine relief, a fresh borrowing was

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

necessary. It is an ill wind, however, that blows no one any good. These statements were not unwelcome to the Constitutional Democrats, who see in them a prospect for the acquirement by the people of the elemental force in any parlamentary lower house—the power of the purse—the vital object at which they have been aiming from the beginning. Coincidentally, the Government submitted its bill for the acquirement of additional land by the muzhiks, which has already been outlined in The Outlook. While the measure provides for the purchase, on surprisingly and attractively liberal terms, of Government and private arable lands, it does not recognize the right of compulsory purchase. This is the vital difference between it and the two bills already proposed in the Duma. These bills, proposed respectively by the Constitutional Democrats and the Revolutionaries, both provide for the acquirement by the people of Crown, Church, and private property, the difference between the two being that in the first a purchase price is apparently to be established by provincial commissions composed of representatives of the Government and of the peasants; in the latter the land is to be acquired by the peasants first, and the purchase price settled afterwards!

❀

The Duma and the Army

But the sessions of the Duma were also notable because of sharp discussions between Revolutionaries and Ministerialists concerning the army's loyalty. The speeches of the former referred to the spread of radical ideas among the troops, and practically were open appeals to the Cossacks to refuse to continue to do police duty. The speeches were couched in an ardent revolutionary tone, the speakers knowing that the authorities, though able to confiscate papers containing despatches concerning any ferment among the soldiers, would be unable to prevent a publication of Parliamentary speeches, and that those which they were delivering would on the next day be printed in every Radical and Revolutionary paper throughout Russia, and so find their way into all the barracks, camps, and outposts. At the conclusion of the debate the Duma adopted a resolution to the effect that the summoning of the second and third categories of the Cossack reserves to the colors without the Imperial warrant was illegal, as also was the use of the Cossacks' whips in street disorders. The progress of this agitation in paralyzing the Empire's military and police administrative machinery achieved results, first of all, in revolutionary demonstrations in St. Petersburg and Warsaw; and from the latter city some of the police have fled across the Austrian frontier, owing to the constant assassinations by the Terrorists, over five hundred having occurred there during the past six months. Similar conditions prevail in the Volga provinces above mentioned. Two regiments quartered at Samara recently marched from their encampment into the public square, where they held a meeting and drafted a list of grievances; the commander was compelled to grant some of the demands. In Kostroma two companies refused to fire on the rioters. But by far the most dramatic occurrence took place when the first battalion of life guards—the pets of the entire army and the Emperor's personal bulwark of safety—adopted resolutions indorsing the Duma programme, an interference in civil affairs punished by the Emperor by degrading the battalion. It was even rumored that the Imperial family would leave Peterhof, where, of course, the Terrorists and Revolutionists are constantly attempting to gain a foothold. Peterhof is located on a gulf, enabling the imperial yacht to be moored at a wharf about two hundred yards from the palace, available to convey the Emperor and his family to Finland or some other place of security. An elaborate system of wireless telegraphy, it is credibly reported, connects the palace at Peterhof with the fortresses of Cronstadt, Viborg, and Helsingfors, and with the war-ships in the gulf, thus insuring the Czar against being again cut off from the outside world, as he was during the telegraph operators' strike of last fall. The Emperor is thus at the most secure of his residences and the one most advantageously situated in case of any desperate emergency.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

What Will the Emperor Do?

But the familiar question arises, "What will the Emperor do?" By the issue of liberal manifestoes within a twelvemonth he has placated the Russian nation. But he has also antagonized the nation by withholding expected powers from the Duma and by decreeing a system of "Fundamental Laws" which bear insufficient resemblance to the hoped-for liberal constitution. The immediate question at issue, however, is neither of these, but the question of a Ministry responsible to Parliament, as is the case in democratic countries; at present the Ministry is responsible to the sovereign, as is the case in Germany. Concerning this question the Czar has two sets of advisers. First, the reactionary faction would dissolve Parliament and stamp out revolutionary activity by armed force while such force is still available. This faction pretends that the outbreaks which have already occurred are not serious, that the reports are everywhere exaggerated, and that any existing movement shows itself to be rarely political, the men merely taking advantage of the general unrest to press for better treatment from their officers and for improved conditions of service. The other—and, we hope, more influential—class of the Emperor's advisers point out that the rank and file of the army belongs to the peasantry, that it is deeply moved by the terrible unrest among the peasantry, that it supports their demands made in Parliament, and that a timely concession may avert the wrath to come. Such a concession might well be that of a Ministry responsible to the Duma. As The Outlook urged a fortnight ago, an understanding between the Government and the Liberal Centrists and the Constitutional Democrats, or Radicals, is favored. For the positions in the new Cabinet such Liberal Centrists as Count Heyden and Messrs. Yermolov (late Minister of Agriculture), Stakovich, and Shipov have been mentioned, and among the "Cadets," or Constitutional Democrats, Prince Dolgorukov, together with Messrs. Muromtzev, Petrunkevich, and Miliukov. It is even announced that members of the Labor party have agreed to support such a Government without seeking representation in the Ministry. Will the Emperor sanction it? If not, he will antagonize most of his people. There is a fatal difference between antagonizing the nation with an army loyal to himself standing between him and it, and antagonizing the nation with only a disaffected army to stand between. When the general staff no longer conceals its fear that the morale of the entire army is shaken, we may expect that, with Parliament championing the cause of the mutineers, the first great test may find Russian troops lining up as the French Guards did two days before the Bastille fell—on the side of the people and against the monarchy.

❀

The Keats-Shelley Memorial

Some time ago a number of prominent men of letters in this country and in England became deeply interested in a project to buy and preserve the house in Rome in which John Keats died. It stands in the Piazza di Spagna at one side of the Spanish Steps. A committee was organized on both sides of the Atlantic and about $11,000 was easily secured. Publicity was avoided in order not to give the price of the property an upward tendency. An option has now been secured, however, and Mr. Robert Underwood Johnson, Secretary of the American Committee, has made a public announcement and has asked for further subscriptions necessary to carry out the plans of the Committee. The option will expire in January next. It is proposed to purchase the house, to provide for a perpetual oversight and care of the graves of Keats and Shelley, and of Severn and Trelawney, who lie near them, and to establish in the Keats apartment of the house a Memorial Library, which shall include all printed and other matters relating to Keats and Shelley—biographies, criticisms, manuscripts, letters, and portraits. Lord Crewe and Mr. Sidney Colvin are among the members of the English Committee, and Mr. Edmund Clarence Stedman is the Chairman of the American Committee. All interested in the project are invited to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

send checks to Mr. Johnson, at 33 East Seventeenth Street, New York City. The preservation of the Keats house as a memorial of the two poets who perhaps more than any others appeal most intimately to the greatest number of lovers of English verse ought to need no other urgency of appeal than the spell of these two names, associated with one of the most interesting periods in English poetry and with two of its most gifted young poets, upon both of whom the hand of life had the weight of tragedy. The association of Keats with Rome is in a way more intimate than with any other locality; and while the pathetic and appealing memorial of the reclining statue of Shelley rests in University College at Oxford, the greater associations of his life belong to Italy. Miss Edith M. Thomas has happily expressed the singular fitness of the proposed memorial in these lines:

"Bion and Adonais—sound their sleep
Within a precinct of the Aventine!
How can they know if any come to weep—
To pour libations of long-hoarded wine,
And afterward, as unto souls divine,
Faith and heart-quivering love and homage plight?
Yet, let us vow to them a house, a shrine,
Where far-come pilgrims of a day and night
May meet—may kneel, beneath their alabastrine light!"

❀

The Direct Primary

Political agitation in the Western States is largely concerned with the matter of nominations for public office. The direct primary system is favored widely because of its supposed advantages in securing a first-hand expression of party members, and political conventions in the newer States are declaring for laws putting into effect this method of nominating candidates. Particularly does the idea of thus selecting United States Senators seem attractive, it being understood that the choice of the electors is to be confirmed by the Legislature. The plans of the newer States' agitators are somewhat indefinite, and few are the complete systems outlined, but Illinois and Wisconsin are dealing with the matter directly and in its practical form. In Wisconsin the Republicans stand sponsor for the La Follette law which provides for a primary election precedent to the nomination of a ticket. For ten years the matter was fought out, and its practical workings have just commenced. It was presumed that the entire operation of placing a ticket in the field would take place on the date of the general primaries, when every elector would vote for the men of his choice. In fact, nothing of the kind has occurred. Even before it has been given a test by a State election, two of the three political parties of the State have declined to be governed by it. The Socialists, or Social Democratic party, have decided to select their ticket by a referendum vote and later hold a convention to decide on a platform. Then at the primaries in September the ticket will be placed on the ballot and ratified according to the law. The Democrats have decided to hold a convention and frame a platform, instead of allowing the candidates, as provided by the law, to meet after the primaries and prepare the platform. The candidates will meet, but they will simply ratify the action of the convention. The Republicans, being responsible for the law, will abide by its provisions—hold the primary and allow the candidates to write the platform. In Illinois the special session of the Legislature called to correct the provisions in the primary law declared unconstitutional by the Supreme Court has just adjourned. The primaries will be held August 4, and it is believed that the new measure will stand the test of the courts. The weakness of the previous law was that it provided a special method for Cook County (Chicago) and the general law for the remainder of the State. The courts held that the law must apply equally to every county. The new law provides for instructions to be given in the primary through the Australian ballot to delegates who shall in the convention to be held later cast their individual votes for the candidates receiving a plurality of the votes cast in their respective districts. The law is necessarily a compromise, but it is believed that it will be an improvement on the old-time haphazard system. The demand for selection of United States Senators by the electors, either directly or through a State primary, is unquestionably growing in favor in the West.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

It is looked upon as the one method for securing Senators "close to the people," in the best sense of the phrase. But many trials must be experienced before a primary law satisfactory to all the people of a State is secured. The operation of the Illinois law, which has had the benefit of thorough discussion, will be watched with interest, for it means a great deal in the future of this new demand by electors for better machinery in government. The Outlook gives its readers on another page a detailed account of the practical working of the new method of ascertaining and putting into effect the popular will, as illustrated by the recent election in Oregon, where the movement is to be seen in its most radical form.

❀

Another Phase of the Spoils System

An ordinance regulating rates for electric light, and also conferring certain privileges upon the companies, was recently passed by the City Council of Chicago and vetoed by the Mayor. It was with difficulty that the Council was prevented from passing the measure again over the veto. A few days afterward it was learned that one of the Aldermen who voted to pass the ordinance over the veto had secured from the lighting company since his election to the City Council last April seventy-five jobs for constituents. Inquiry by reporters developed the fact that it is customary for all public utility corporations in hiring men to give great weight to the recommendations of politicians. The Chicago civil service law has been in operation for about ten years. Its administration is fairly good, and as a natural result political influence is unavailing in securing city positions except in connection with a comparatively small number of places that are outside of the classified service. The Alderman who secured seventy-five jobs from the electric lighting company could not under present conditions get anything like as many places for constituents in the City Hall. The fact is full of significance in connection with the growing movement for municipal ownership. The great cry against municipal ownership has been that it would increase the scope and evil influence of the spoils system. As the civil service system becomes intrenched the reverse will be found to be the truth, and cities will be led more and more to municipalize in order to rid themselves of that most obnoxious form of the spoils system under which private corporations carrying on public business distribute jobs among politicians in return for favors rendered. A careful inquiry would no doubt show that this form of the spoils system is deeply rooted and has a potent influence for evil in almost all American cities.

❀

Americans in an English Railway Accident

One of the worst accidents in the history of English railways occurred on Sunday, July 1. A train carrying passengers, most of them Americans, on their way to London after landing from a steamship at Plymouth, left the rails at high speed at Salisbury, crashed first into a milk train, then into the supports of a bridge, and was demolished. Over a score, more than half the total number, of passengers were killed and many were injured. For Americans thus to journey across the ocean only to be mangled in a railway wreck in a country where travel is much safer than in America seems ironical. This very accident, however, affords a good example of comparison between American and English railways and methods of governmental control. It seems to have proved that the rolling stock of English railways is much more destructible than that of American railways. A train of American Pullman cars would not have been so completely wrecked. Moreover, the lighter English train leaves the track more easily. On the other hand, this accident will be thoroughly investigated by the Government, as would not be the case in this country. Its cause, if ascertainable, will be discovered by a representative of the Board of Trade, and a complete report will be published. And when the cause is established, the public will know in what direction to seek a remedy. The accident, apparently, was due to rounding a curve at excessive speed. There has

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

been a keen competition for speed records between the London and Southwestern, on which this accident occurred, and its competitor the Great Western, on which a similar accident occurred a year and a half ago.

❀

The Hampton Conference

At Hampton Institute, June 27, 28, and 29, was held the tenth annual session of the Hampton Negro Conference. This is one of three great yearly conferences of negroes, each differing from the others in its aims and methods. The Atlanta Conference is an investigation by sociological students, with no effort at immediate amelioration of conditions. The Tuskegee Conference is a gathering of negro farmers for the exchange of personal experiences and for mutual instruction in self-improvement. The Hampton Conference is made up of negro teachers, physicians, lawyers, preachers, settlement workers, farmers, and others, who come together to study conditions among their people and devise means of reform. Two rules govern the work of this Conference: first, no investigation without an effort toward improvement of conditions; second, no attempted reform without preliminary investigation. The efforts at reform are pushed along many lines and by various methods. The most wide-reaching way is perhaps through the education of the members of the Conference themselves, who number, including the teachers in attendance at the Hampton Summer Institute, between four and five hundred, and are in the majority of cases the influential members of their communities. These are enlightened on such subjects as "Foods for Animals," "How to Prevent Tuberculosis," "Housing and Vice," "Impositions of Insurance Agents and Installment Schemes," and many others. The preachers especially are urged to use their influence for better sanitation, checking the movement into cities, home buying, and similar improvements. The agencies through which the Conference plans to work its most extensive reforms are the local conferences. Since the 1905 Conference forty-one of these have been organized in Virginia. During their first year they devoted their energies to education, and twenty-three of them added to their school term from one to two months each, raising $930 for that purpose. At the Conference just ended seven new local conferences were organized in Virginia, three in North Carolina, and four in Georgia. Among the important work to be delegated to these local conferences is the effort towards adjustment of relations between employer and employee in domestic service. There are also six standing committees which, besides directing the Conference's entire work of investigation, are able to accomplish some local and specific reforms. The Conference co-operates with the associations for the protection of negro women in the work of safeguarding colored girls seeking employment in Northern cities, and is allied with a number of National philanthropic organizations and with settlements and committees in the North which are engaged in improving the condition of the negro city population.

❀

The "American Magazine"

The interesting announcement is made that the "American Illustrated Magazine" has been purchased by the Phillips Publishing Company, and will hereafter be edited by Mr. John S. Phillips, formerly of the firm of Messrs. McClure, Phillips & Co., with Miss Ida M. Tarbell, Mr. Finley Peter Dunne, Mr. Lincoln Steffens, Mr. Ray Stannard Baker, Mr. William Allen White, Mr. A. A. Boyden, and Mr. John M. Siddell as his associates. Under the business management of Mr. Frederic L. Colver and the editorial direction of Mr. Ellery Sedgwick the "American Magazine" had made rapid progress towards a position of authority and influence. The group of editors who will direct its fortunes in the future include a number of writers of exceptional energy, associated especially with the journalistic history of the last two years. Miss Tarbell, Mr. Steffens, and Mr. Baker have constituted themselves a kind of committee of investigation, and in many magazine articles, which have appeared chiefly in "McClure's Maga-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

zine," have made important contributions to the political and industrial story of the last two decades. They represent high-class journalistic methods and interests as applied to magazine writing, and their co-operation in the control of a magazine suggests, if it does not definitely promise, a free hand and great frankness in treating the abuses and defects of our political and industrial systems. Mr. Dunne, so much better known as "Mr. Dooley," and Mr. White will bring in the element of humor and relieve the strenuous attitude and temper of their co-editors. The announcement issued by the new company declares that the magazine "will reflect a happy, struggling, fighting world." That it will reflect a fighting world there is no doubt, and it is very much to be hoped that it will reflect also a happy world. Reformers need relaxation, and it has sometimes seemed of late as if, in his endeavor to secure greatly needed righteousness, the ardent and patriotic American might lose his ability to be at ease in a world in which there are so many sources of pleasure as well as of pain.

❀

A Notable Address At the University of Georgia, one of the foremost institutions in the South (the death of whose lamented Chancellor, Dr. Hill, called out such warm expressions of admiration and sorrow from all parts of the country), a striking address was delivered by Mr. William H. Fleming—a graduate of the institution, formerly Speaker of the State Legislature, for three terms a member of Congress, and at one time President of the State Bar Association—on "Slavery and the Race Problem in the South." Quoting Dr. Hill's characteristic words, "I wish my platform at Athens to be a place for the freest expression of honest thought," Mr. Fleming put aside at the start what he called "that trinity of impossibilities—deportation, assimilation, or annihilation," and proposed in their place the "simple plan of justice." He declared that the fears of race domination which have terrorized the South may now be dismissed, and the race problem worked out on lines of justice. The South could not expect, he said, any change in the Fourteenth and Fifteenth Amendments to the Constitution, except in the direction of placing under Federal control the entire subject of suffrage qualifications in all National and State elections, and the less the matter is agitated the better. The address was full of sound sense, practical suggestion, and generous spirit. Its aim is fairly represented by these words:

> Let us solve the negro problem by giving the negro justice, and applying to him the recognized principles of the moral law. This does not require social equality. It does not require that we should surrender into his inexperienced and incompetent hands the reins of political government. But it does require that we recognize his fundamental rights as a man, and that we judge each individual according to his own qualifications, and not according to the lower average characteristics of his race. Political rights cannot justly be withheld from those American citizens of an inferior or backward race who raise themselves up to the standard of citizenship which the superior race applies to its own members.

Such utterances as these, by a man of Mr. Fleming's standing, on such a platform as the Commencement stage of the University of Georgia, outweigh a thousandfold the pernicious stories which have been circulated as representative of Southern feeling, and the narrow and bigoted expressions of a small group of men in whom survives a trace of the old sectional passion without a touch of Southern generosity or insight into political conditions.

❀

An Influential Law Teacher Dr. Christopher Columbus Langdell, who died last week, had been out of active service for several years as Dane Professor of Law Emeritus at Harvard University. Few men of our time have had a more definite influence on the educational methods or done more constructive work in the educational field than this eminent lawyer. Graduating from Harvard in 1848 and from the Law School in 1853, he practiced law for a number of years in the city of New York, and rapidly secured recognition as a man of unusual force, penetration, and soundness of intellect. In 1870 he accepted the Dane professor-

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

ship in the Harvard Law School, and became as successful in his new vocation as he had been in his profession. With Professor Theodore W. Dwight, of the Columbia Law School, he ranked among the first teachers of law in the country. The two men differed, however, very widely in their methods. Professor Langdell, following the general trend of university work, applied the laboratory method to the study of law by the introduction of what has become known as the "case" system. Law had been taught in the schools largely by text-books and lectures. Professor Langdell became convinced that the most thorough way of mastering legal principles was by studying the cases in which they are involved and the decisions in which their various aspects are stated. He substituted for the text-books then in use collections of cases carefully prepared in the different fields of jurisprudence. There was at first a good deal of opposition to this radical change of method, but several of the leading law schools of the country adopted it later, and it is now the method used in nearly all the foremost law schools. It still has its critics, who call attention to the fact that since the system has been established at Harvard that university has not made any great contributions to legal literature, as it did in the days of Story, Parsons, Greenleaf, and other eminent legal writers, and that it has lost a certain literary quality which went with the study of law in the earlier time. The system is in harmony with the university methods now prevalent, which begin with the study of facts and reach the governing principle or law later by the inductive method. Its advantages are the concrete form in which the principles of law are presented, the close attention and thorough work required of the student, and the habit of patient investigation and of clear thinking induced by the method.

❀

Jules Breton

Now that genre pictures seem no longer very popular and we have arrived at the impressionistic era in painting, the death of Jules Breton at the fine old age of seventy-nine recalls another art era. It is true that Breton's peasant women are rather alarmingly often "uncrowned queens," like the one in the Luxembourg at Paris, for example; that his peasant girls are, as Millet said of them, too beautiful to remain in the country, and that his men generally lack the realism of those painted by that acute critic. It is true that occasionally Breton apparently forgot his own sound advice to his brother artists: "Nothing is more rare than that the finite should awaken the idea of the infinite; to do this artists must be broad and deep, pitiless against the seductive surface of prettinesses." At the same time, Jules Breton's work does smack of the soil, and its influence has been correspondingly healthy. In it one feels the sincere and loving attachment of the painter to his birthplace—Courrières in the Pas de Calais, where the recent mining horror occurred; one feels that Breton was unshakably identified with that region, whether he lived in the country, as he did most of the time, or whether he was in the capital, where he came to view the Salon exhibitions and pay visits to the studios; furthermore, one feels that Breton, though not a great man, had extraordinary technical success in transferring his impressions to canvas. The public at large was soon aware of these merits. Breton's pictures came into increasing demand and many were sold for very high prices; the large number of examples in public and private collections testify to the esteem in which the painter was held. The first canvases to attract general attention were exhibited in 1855 at the Paris Exhibition. A mere list of the titles of their successors would be tedious owing to their lack of diversity; they generally picture some such scene as "Planting the Grain" or "Blessing the Crops." Jules Breton was not only a painter; he also devoted much time to literature. His volume "The Fields and the Sea" received considerable attention; it revealed a power of imagination somewhat akin to that which had given the popular fascination to his canvases. His poem "Jeanne" received a prize from the French Academy. His autobiography, published sixteen years ago, is worth reading for its accounts,

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

first, of daily village life in France; second, of the elemental influences which dominated his inspiration and that of Rousseau, Diaz, and Millet; and, finally, of the forces behind the æsthetic movement in France after the revolutionary period of 1848.

❀

Congress and Public Opinion

If it had not been for one shameful and inexcusable delinquency, the record of the session of Congress which was brought to an end on the last day of last month would deserve little but high praise.

There are two ways of judging the merit of Congressional action. One is to measure it by the personal preferences of the critic; the other is to measure it by the just demands of the Nation. The fact, for instance, that Congress did not make even a beginning of tariff revision, judged from the point of view of the free-trader, is cause for severe condemnation; but from the point of view of the country at large it may not be cause for the least fault-finding. Happily, our form of government was not devised to please the free-trader or the protectionist, this editor or that reformer, but to carry out as nearly as possible the wishes of the whole people. The question to put concerning any session of Congress is, Has the machinery turned out the product it was designed to make? This really involves two questions: first, What goods were demanded? second, What was the product?

For one course of action the popular demand has grown insistent. The American people have been demanding that some way be found for controlling corporations. They have seen corporate organizations, created by the several States, exercising power beyond the confines of the States, and they have determined that the Federal Government shall, as the State Governments cannot, maintain for them their sovereignty over these organizations. This is not animosity toward corporations, or even suspicion of them; it is simply a determination that the Nation shall remain stronger than any organization within it. It is in answer to this demand that Congress in its latest session has passed its most notable acts. Chief of these is the law for the regulation of rates on railways and other common carriers. The so-called Immunity Law, to enable the Federal Government to bring recalcitrant corporations to terms more effectually, is among the important laws of this class.

An additional reason has intensified the demand for an extension of the Federal power. The protection of the public health from accident and disease has been defective because the several States are powerless to act beyond their own borders. It is no consolation for a sufferer to know that the food which has poisoned him, or the disease germ which has laid him low, or the accident which has crippled him, had its origin in a neighboring State. Hence the people have insisted that their lives be no longer at the mercy of agencies outside the control of the States, whether those agencies be individual fellow-citizens or business corporations or merely *stegomyia* mosquitoes. And Congress, properly compliant, has enacted the Pure Food, the Meat Inspection, the Employers' Liability, and the Federal Quarantine Laws. In all of these but the last the effect has been also to increase the power of the National Government over corporations.

A growing conviction that the exercise of full suffrage is a privilege to be granted with greater care than has been exhibited in the past has become strong enough to show itself in two laws of this session. The haphazard method of naturalizing aliens, in vogue for over a century, has been superseded, through the enactment of the Naturalization Bill, by a strict and uniform process; and the scarcely more circumspect fashion, traditionally followed, of welcoming new States into the Union, has been abandoned in the enactment of the law creating, provisionally, two new States instead of the possible, and once imminent, four. The Naturalization Law is also in accord with public sentiment in its transfer of duties from the States to the Federal Government.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Other measures of importance public opinion has put through Congress. In response to a demand for the construction of the Panama Canal without delay, Congress has decided upon the type of waterway; in response to a demand for the use of alcohol in industry, Congress has taken the tax off denatured alcohol; in response to a growing demand for common sense in the public service, Congress rather grudgingly began the reform of the consular service, which the President by executive action has continued, and which the next Congress ought to complete; and in response to a vigorously expressed demand for the preservation of two great scenic features of the country, Congress has passed laws protecting Niagara Falls and the Mariposa trees in the Yosemite. In certain other matters, as, for instance, army and Indian affairs, Congress has continued a policy framed by experts and approved by public sentiment.

In appropriating money Congress has also followed the inclinations of the people of the country. The American people are not parsimonious; they do not, indeed, remonstrate sufficiently against certain forms of extravagance. So we find Congress, forty years after the close of the Civil War, appropriating $140,000,000 for pensions. The amount voted at this session for all purposes approximates $900,000,000. It exceeds that appropriated at any preceding session. It must be remembered, however, that the needs of the Panama Canal, of San Francisco, of the new buildings at West Point, of the increasing postal business, and of several special undertakings, such as the inspection of meats, all demanded by public opinion, required vast sums of money.

There are few measures worthy of mention which Congress refused to pass. The demand for a ship subsidy law came from one quarter, and the demand for an eight-hour law, applicable in all National undertakings, came from another; neither demand came from the whole people, and neither was granted. There was a general demand for a measure to prevent corporations from contributing to the campaign funds of political parties; but this demand did not make itself sufficiently felt to overcome the cleverly conducted opposition. Common sense dictated confirmation of the Algeciras Convention and the Santo Domingo Treaty, but Congress can afford to disregard common sense when it is not reinforced by public demand. If the country had been as insistent as we think it should have been on these subjects, the Senate might have taken some action upon them. On the whole, then, Congress has during this session so acted that the responsibility for the failure as well as the success of measures rests not upon Congress but upon the whole country.

This is true with one exception.

The American people have wished to deal fairly with the Filipinos. Has the United States Government permitted them to do so? For the answer to that question we ask our readers only to read the article by Bishop Brent published in another column. In this one respect the demand of the American people has been impotent. The Senate of the United States, elected to be the servants of the American people, have chosen to be the servants of the tobacco and sugar interests. The machinery, designed to make its product according to the will of the people, has at this point broken down. What is the remedy? It has been suggested that we ought to abandon the attempt to make that product, that we acknowledge our failure, acquiesce in the demands of the tobacco and sugar interests, and give the Filipinos over to their own devices. This is equivalent to suggesting that we give up representative government whenever it clashes with special interests. We do not believe that the American people will adopt that suggestion. The only alternative is to put the machinery in repair. If the Senate, as now constituted, should continue to refuse not only to give justice to the Filipinos, but even to allow the question to be discussed, as it has done during this session, then it will have furnished an unanswerable argument for reconstituting it so that it will do the people's will. Then even this one shameful failure of the session just ended may, by promoting the direct election of Senators by the people, be transformed into a great benefit.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Will Society Protect Itself?

The fact bears repetition that when English jurisprudence was in the process of formation the individual needed protection against society as represented by the Government. Punishment in those old days was sometimes brutal, frequently out of all proportion to the offense, and always drastic; and it was administered by a Government which was oligarchical, unresponsible to the people, and disregardful of the defenseless individual. The accused therefore needed, but lacked, a fair chance either to prove his innocence or, if guilty, to be treated like a human being. It was in order to give him this fair chance that the English people adopted their rules of procedure and established their criminal code. Now the individual has his rights. The accused is well safeguarded. It is true he is not always well treated. Penology is not perfected. Jails need further reform. But no man in an English-speaking country need live in fear of undeserved punishment.

On the contrary, at present in America society is not safeguarded. It finds the accused man so completely protected that even if he is guilty he is likely to escape. The rules of procedure so hedge him about that society finds it difficult to reach him. Punishments have been moderated. Government is no longer oligarchical; it has become democratic. So extensive is democracy that even the criminal classes participate in the Government. Judges are no longer masters of the people; they, like other public officers, are the people's servants; and the criminals consider themselves among their masters. The lower order of criminals help to choose the judges of the lower courts; the higher order of criminals—that is, higher in social station—help to choose the judges of the higher courts. Men, high or low, accused of crime are thus no longer helpless before an irresponsible and free tribunal; they confront a court which they themselves have helped to construct, and which is restricted so closely that only by the exertion of great effort and by the most careful circumspection can it reach the guilty.

Under present conditions it is therefore not the individual that is in peril, but society; and it is not society that is protected, but the criminal. Under this condition the defenselessness of society inspires in criminals, big and little, contempt for the law which society promulgates; and the higher the social position of the lawbreakers and the larger their financial resources, the abler they are to employ the law in order to escape the law, and the more arrogant they are in being a law unto themselves. In law-abiding people this helplessness of society engenders a cynicism that is equivalent to a contempt of the courts; it finds frequent expression when a murderer is brought to trial. "Some one ought to establish a company for insuring the lives of condemned murderers," was the comment on one case; "they would be good risks."

Sometimes, when crime becomes rampant, the exasperated community sets aside the legal processes that bind it, and undertakes to execute judgment without trial. This is what one community after another in this land has done. In one case, as The Outlook reported, a mob hanged a prisoner who had been held for two years under a charge of murder, although the question whether he had killed the victim had not yet been raised. Such an action as that means that society has become disorganized; the machinery for obtaining justice, having become cumbersome, has been overthrown; and the individual, so far from being protected, has become once more absolutely defenseless. In other words, the condition has become like that out of which the English-speaking peoples have painfully struggled. Judicial institutions, created to protect the otherwise helpless individual, elaborated until society has become helpless, are suddenly discarded. The individual is again helpless, though whereas once he faced an organized government, now he faces a disorganized mob. Thus the overprotection of the individual leads finally to his ultimate helplessness.

In an article on another page Judge Amidon, of North Dakota, shows where

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the fault lies. It is to be found in the practice of granting appeals and reversing decisions, not because substantial justice is denied, but because merely technical errors have been committed. What Judge Amidon says of this deserves careful reading. The utterance of a Federal judge on this subject comes with all the force that is conveyed by experience and mastery of the law. This same reform in the courts has been urged by Secretary Taft, himself formerly a Federal judge, and by Justice Brewer, of the United States Supreme Court. On matters of law, as on matters pertaining to other subjects requiring expert knowledge, the layman may well hesitate to form an opinion; but when judicial procedure becomes so complicated that it menaces society and gives aid and comfort to criminals, it is time that the great body of the people, though they be not experts, should have an opinion and express it with vigor. Happily, with such men as these three in its favor, the demand for common sense in the courts, and therefore for the defense of society against lawbreakers, is justified by legal learning.

Two Political Idealists

Two addresses were delivered on the Fourth of July, notable alike for the character of the speakers and the contents and spirit of the speeches—one by Theodore Roosevelt at Oyster Bay, the other by William J. Bryan in London. Mr. Roosevelt, speaking at home, discussed domestic problems. Mr. Bryan, speaking abroad, discussed foreign problems. Both were wholly free from partisanship, both were inspired by an enthusiasm for justice and human rights—that is, by the spirit of the purest Americanism—both put before their auditors Christian ideals, and both inspired their auditors with a courageous faith in the practicability of such ideals. Mr. Roosevelt has absolutely declined renomination and Mr. Bryan may not be nominated for the Presidency. But one represents the new Republicanism, the other the new Democracy. It augurs well for the country when its two great political parties instinctively choose for their spokesmen men of this type.

President Roosevelt at Oyster Bay

President Roosevelt's Fourth of July talk to his neighbors at Oyster Bay, Long Island, was characteristically frank and intimate, and what he had to say about the feeling which has been evoked in this country by the disclosure, agitation, and legislation of the last year was forceful and timely. He declared that there was plenty of iniquity in business, politics, and social life, and every warrant for acknowledging the presence of these great evils, but that there is no warrant for becoming hysterical about them. He protested against spending nine-tenths of the time in saying that no such iniquity has ever been discovered before in any nation, and the remaining one-tenth in saying that this is the most remarkable nation that ever existed. He urged more care in condemning and more care in praising ourselves, and emphasized the necessity of avoiding the ineffective preaching by certain demagogues of "a vindictiveness as far as the poles are asunder from the wise charity of Abraham Lincoln. Let us remember that many of the men who do the things of which we complain, even among those who do the worst, are American citizens, with much the same tastes, tempers, and characters as we have, but who have been exposed to special temptations." For thoroughly bad men only drastic punishment will avail, but when wrong-doing is committed by a whole class, the wrong-doers become such by force of circumstances, and the way to deal with them is to remove the causes of their wrong-doing, the power and the temptation; above all, there must not be a spirit of rancorous hatred. Every American ought to feel a just and righteous indignation when that feeling is called forth by offenses; there ought to be no hesitation about inflicting punishment where punishment is needed in the interests of the public; but hatred ought not to be tolerated, because it is un-Christian and un-American. There is enough wrong to fight; it ought to be fought and cut

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

out, and when it is cut out there ought to be neither hatred nor exultation. President Roosevelt has been so sharply condemned for setting in motion a disturbance which was the inevitable result of the wrong-doing of others, and so often characterized as a dangerous and turbulent person, that these words ought to be read as a matter of fairness to a public official who has had the most difficult duties to discharge, and who, in a time of bitter antagonisms and in the face of tremendous interests, has endeavored to do his duty, not as a matter of vengeance nor in a spirit of personal rancor, but as the first citizen of a nation.

A time in which the management of great business interests is being investigated and very serious offenses against private and public morality brought to light affords the largest possible opportunity for the demagogue. Attacks on property have been easy from the beginning of organized society and have furnished ready-made ammunition for cheap agitators, shallow politicians, and selfish demagogues. It is a most fortunate thing for Americans that the financial investigation of the wrong-doing of the managers of great masses of money and the directors of great interests has been conducted by a group of men who are far above the suspicion of demagoguery; who are pledged by education, interest, and association to good order and to sound and wise treatment of great business interests. There has been much wrong-doing, and the country ought to be grateful that it has come to light at this particular time, and that the revelations were not postponed to some later time when the disease would have struck to the very vitals of the Nation. The policy of investigation and remedial legislation, so far as any legislation can be remedial, ought to be carried on persistently, with indifference alike to popular clamor and to the influences of organized money wrongly used. Neither position, wealth, nor financial importance ought to be able to keep any man out of jail who ought to go to jail. The only way in which the conscience of the country can be satisfied and the chief cause of political unrest removed will be by so thorough and impartial an application of law to all offenders that the suspicion of unfairness shall be banished from our business and political life.

The duty of the hour has been criticism—sharp, searching, unsparing. There will still be occasion for criticism, but it must be criticism, not wholesale, indiscriminate, unintelligent condemnation. Mr. Roosevelt from the beginning has protested against characterizing whole classes as honest or dishonest; against the easy, misleading, and dangerous habit of speaking of Labor as selfish, tyrannical, and exacting, and of Capital as rapacious, unscrupulous, and brutal. This is the cheap and easy way of the demagogue. It requires neither natural ability, trained observation, nor mature reflection to denounce all trusts, corporations, and every form of capital. From time immemorial the agitator at the street corner has stirred up strife and sown the seeds of disorder by this kind of talking. This is not the way of the true moral reformer; certainly not the way of the constructive statesman. Capital is sometimes good and sometimes bad; labor is sometimes honest and sometimes dishonest; some corporations are just and others are unjust; some labor unions are honorable and some are dishonorable; some trusts are beneficent and some are unscrupulous, precisely as some individuals are law-keepers and some are law-breakers. It is as illogical and misleading to class all organizations of capital or of labor together and characterize them by a single adjective, as it is to denounce all individuals and characterize them by a single adjective. Thoughtful men everywhere ought to discountenance this kind of loose talking, which has persuaded a great many people to believe that all rich men are criminals out of jail, and a great many other people to believe that all members of labor unions are shiftless, worthless, and lawless. In such a time it is especially the duty and the function of the public man to speak with precision, discrimination, and restraint. Denunciation loses its force when everything is denounced; condemnation ceases to count when it is universal; and it is idle to talk of putting a few men into jail when a great many people are declaring

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that everybody ought to be in jail. The terror of a jail lies in the rigidity of the selective process which sends men there, the force of public opinion in the intelligence with which it is directed, the efficiency of moral agitation in its concentration.

Mr. Bryan in London

Mr. Bryan, speaking to an audience largely English, upon a subject on which English sentiment has been sharply divided, tactfully took Rudyard Kipling's verse as his text for an address on "The White Man's Burden." He recognized the incidental benefits which advanced nations confer upon other communities, and the special benefits conferred by contributing to their succor in time of famine or other distress. But these do not fulfill our international obligations. We "must intend benefit as well as confer it," and "the improvement of the people themselves should be the paramount object." Among the blessings which the Christian nations are bound to carry to the rest of the world Mr. Bryan specified five: education; knowledge of the science of government; arbitration as a substitute for war; appreciation of the dignity of labor; and a high conception of life.

Mr. Bryan did not recognize the fact that there are lessons for us to learn from the Orient as well as lessons to impart, and that we must be ready to receive if we hope to be able to give. Nor did he throw any light on the question, How can a civilized nation impart these five blessings to an unorganized community such as the Philippines without preserving law and order until the community has acquired capacity to preserve law and order for itself? His few brief references to the army were depreciatory; one would have liked some appreciation of the splendid work it did in rescuing Peking from the Boxer mob. But it is not possible to say everything in one speech, especially an after-dinner speech. And these omissions may have been due rather to lack of time than to deliberate intention. What he did say deserves the generous applause which was given to him. We especially note two utterances: that relating to arbitration, and that relating to the true conception of life:

> I venture to suggest that the world's peace would be greatly promoted by an agreement among the leading nations that no declaration of war should be made until the submission of the question in controversy to an impartial court for investigation, each nation reserving the right to accept or reject the decision.

Thus to reserve to the nations the right to accept or reject any decree of the Hague Tribunal appears to us more promising of peace than to reserve the right to refuse submission to the Tribunal of certain specified cases, always difficult if not impossible to define; for we agree with Mr. Bryan that "the preliminary investigation would, in almost every instance, insure an amicable settlement, and the reserved rights would be a sufficient protection against any possible injustice."

> And now we come to the most important need of the Orient—a conception of life which recognizes individual responsibility to God, teaches the brotherhood of man, and measures greatness by the service rendered. The first establishes a rational relation between the creature and his Creator, the second lays the foundation for justice between man and his fellows, and the third furnishes an ambition large enough to fill each life with noble effort.

We do not remember ever to have seen a better definition of the function of Christian missions than this. To inspire men with a sense of their responsibility to God, that they may be made wise and strong to fulfill their obligations to their fellow-men by the highest service of which they are capable, is not a bad summary of the duties of the Christian ministry both at home and abroad. The nation which is animated alike in domestic and foreign policy by this spirit is a Christian nation, though it may have neither a national creed nor a national Church. It is the glory of John Hay that this spirit inspired his diplomacy—a glory which belongs not less to the two Presidents under whom he served. The patriot can undertake no nobler task than to make this the dominating purpose of both the great political parties, as it is already the proclaimed ideal of their respective leaders.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The Spectator

The Spectator used to know an army woman whose husband during the last ten years of his service had held high rank. During that time his duty had always kept him in the West, and at whatever post he had been assigned he was the commanding officer. When the General died, his widow came to New York with the purpose of making her home in the metropolis. She had known New York well in the sixties and seventies, and believed it was about the best place in the world in which to be comfortable. But in the nineties she found the place very much changed, of course. Two or three days after her arrival she went out shopping, using the street-cars to go from place to place. After a few hours she returned to the friends she was visiting, very much flustered and filled with hot indignation. "Well," she said, "I have been insulted and treated with rudeness all the morning. I have had enough of New York. It is no home for me." "What in the world has happened?" she was asked. "Why, from the moment of starting I have been mauled and hauled about by the crowds, and every conductor yelled at me, 'Step lively, step lively, lady,' and some even caught hold of me and jerked me on the car and then pushed me into the struggling crowd of passengers inside. 'Step lively,' indeed! 'Good old New York' is what we used to say in what we called the 'God-forsaken West,' but if this is what New York has come to I shall go to the West, where there is consideration, or to Washington, where there is courtesy." She cut her visit short in the great city and never returned.

❀

That was a kind of indictment against the good manners of New York, but not quite so serious as though it had been framed by some other person, who had not long been the wife of a commanding officer. The position of a commanding officer at an army post is very like that of the captain of a man-of-war or even of a king on his throne. He is supreme, and every man, from the next in rank to the lowest subaltern and private, gives him a respect and consideration that know no bounds. Where he sits is always the head of the table. This deference is also shown to his wife. She is leader, indeed a very queen. So to come from such surroundings to a crowded and bustling city, where she was "hauled and mauled about," very naturally, to use a homely expression, "went against the grain." The army woman in question, no doubt, desired and expected a considerateness of treatment that is almost if not quite impossible in a crowded city where the lines of travel are pretty nearly always filled beyond their reasonable capacity. At the same time, the Spectator must acknowledge that the lady's complaint was not entirely unreasonable, though aggravated by the fact that she who had long been accustomed to command was now commanded most imperatively. This everlasting "Step lively" does not expedite matters in the slightest degree. It flusters the timid and uncertain and angers those who desire to be courteously treated. Of course, as a street railway official once said to the Spectator, "we cannot expect Chesterfields to take positions as street-car conductors." That is quite true—that is, as a rule. But the Spectator very well remembers to have encountered several years ago on the Twenty-third Street car line a conductor, a man of middle age, who said "Thank you" each time he took a fare, and when the passenger happened to be a lady the conductor touched his cap. This must have been in the horse-car days, for the Spectator cannot recall such civility in the present condition of the cars, when the conductor has to burrow his way through a struggling mass of strap-hangers. Such civility, however, were it possible, would be "mighty nice."

❀

There is no doubt in the world, however, that New York has the reputation, deservedly or not, of being a fearfully rude place. There is also no doubt that there is more politeness and polished courteousness in New York than there is anywhere else in America. This is because there are very many more people in New York than in any other American community. Per capita, the rate of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

politeness is probably tolerably low, lower perhaps than in very many other places, notably in the West and South. Let any one go to a strange place, with the customs of which he is not familiar, and he is apt to think, because he does not know by instinct what he is expected to do, that there is confusion, lack of consideration, and a pushing rudeness that is most uncomfortable. Even a New Yorker in Boston, where we have been taught "there is always time enough for courtesy," finds this to be so. And the Spectator knows full well that when he stays abroad or in the country for a long time and gets back to New York he finds the hustle and the bustle, the shoving and the crowding, almost intolerable.

❀

The rudeness of the city, however, does not add to the joy of life, nor increase that gentleness of spirit to which we have looked for nineteen centuries for the regeneration of the world. Only the other day the Spectator was walking in a street near Union Square. Approaching him were a lot of men, six abreast and four deep, a solid phalanx. They crowded the pavement from buildings to curb. The Spectator stopped on the curb, naturally expecting that they would make way for him. Not they! They moved on, and to keep from being bowled over he had to step into the roadway, which was deep in greasy slush and mud. By their appearance these men seemed to be Hebrews, and the Spectator guessed that they were operatives in one of the many manufactories thereabouts, where cheap clothing is made. They were out for their nooning. Now, was this merely ignorance, or a premeditated indifference to the rights of others? Maybe it was one, and maybe the other; but it was, at any rate, a shocking rudeness. There are those who, in discussing the inconsiderateness of the crowds in New York, hold that the congestion of population is not mainly responsible for the lack of civility which strangers complain of and even many New Yorkers regretfully admit, for they say that in London, a larger place, incivility is the exception and not the rule. Those who take this view maintain that metropolitan manners have deteriorated by reason of the immense hordes of ignorant foreigners who come to this country and stop in New York for lack of means to go further than the port of entry. In this way New York gets the very poorest of this supply from the Old World. These people have nearly all been peasants at home, coming from what the stump orators call "the downtrodden scum of Europe." When they reach here—the Spectator is quoting, not making a statement of his own—they are civil enough in a cringing and servile way. But they soon lose this attitude, for they are taught that in this country at least all men are equal. In their ignorant way they know no other method of asserting this equality except by a rudeness of manner and action. This influence is the fatal germ which has extended throughout the city with so baneful an effect that New York, notwithstanding her churches, her schools, her libraries, and her art galleries, has a reputation by no means to be envied.

❀

This exposition of the origin and genesis of metropolitan rudeness by no means accounts for what happens daily at the entrance of the Brooklyn Bridge. Maybe it is no explanation at all; a generalization rarely is very satisfactory. There is one thing quite true, however, and within the Spectator's own experience. He has recently had to travel somewhat in the interior. The further he got away from New York and what might be called the metropolitan influence, the greater was the courtesy that was shown him. Let us say that the further we get away from New York the less busy the people are, and that therefore they have more time to be considerate of others, in fact to be human. If that be the only reason, then those of us who are compelled to live in New York should be sorry for the necessity that keeps us here; those who live in lesser places should be glad that they are where they are. But, whatever the cause of the condition the Spectator has been discussing, it would be well for all to recall Emerson's pronouncement: "Life is not so short but that there is always time enough for courtesy."

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

TYRANNY OR DEMOCRACY—WHICH?

BY CHARLES H. BRENT

A Citizen of the United States of America

TYRANNY is that form of oppression which ensues when the ruling power coerces or flouts the will of the people, whether the power be the absolute monarch of a kingdom, or the Senate of a Republic that boasts its government to be "of the people, by the people, for the people." Indignation against tyranny burned so fiercely in the hearts of our forefathers that it consumed the bonds of union which tied the old land to the new. Then, with constructive hand, the revolting colonists set up the framework of a nation whose motto was to be liberty for all and for always.

This was long ago. The infant Republic has developed into a world power. A while since (for the purposes of this paper it is of no consequence how it came to pass) America found herself the administrator of dependencies. Here was her chance to exhibit her mind. The voice of the people was not uncertain—"freedom for the oppressed," "no selfish exploitation," "the Philippines for the Filipinos," formed the battle-cry, and the cry was from the heart of the Nation. Honorable and able men were sent to the seat of our responsibilities charged with the commission to study the needs of the people whose welfare was our concern, and to set in operation such activities, governmental and philanthropic, as might best bring development, prosperity, and peace to a weak, needy, and troubled race.

About some phases of our duty there has been room for honest difference of opinion. But concerning elementary principles of justice there can never be any doubt. When the Philippine Commission advocated fair trade for the Philippine Islands and an open market for Filipino products, the conscience of the American Nation acquiesced and manifested its sympathy in the public press—and yet the Senate, deliberately and with a full knowledge of facts, has blocked the way of honor, thereby lording it over the will of the people and inflicting injury on the multitude of pitiable natives whom we have pledged ourselves to help. If it be urged, as Senator Lodge has recently done, that there are good men in the Senate, no one would wish to deny it. But, as in the case of Sodom and Gomorrah, their number or their goodness or both avails nothing in a question involving common morals. The Senate is a legislative entity. It is either good or bad. You can no more talk about the Senate being good in spots than you can about an egg.

Nor is the House, however fair it may have been in connection with Philippine tariff legislation as a whole, without stain of guilt, as a recent bill illustrates. According to the tariff law of 1901, American cotton textiles competed with English goods with a moderate degree of success. But the ambition of the American industry was to obtain exclusive possession of the insular trade, and when the tariff was revised in 1905 changes were made, at the dictation of American manufacturers, favorable, as they thought, to this end. But the law failed to work as its framers purposed, and trade immediately reverted to English and Spanish "splits"—a local term which is sufficiently explained by the following quotation from the existing tariff law:

> Textiles having a false selvage on either one or both sides shall be considered as goods improved in condition, and shall be liable, as the textile, to the duties leviable thereon, plus an additional surtax of one hundred per centum. This provision applies to all cotton fabrics.
>
> NOTE.—By a false selvage shall be understood an edge obtained by cutting, ripping, tearing, or otherwise "*splitting*" the textile in the direction of the warp.

A representative of American cotton interests, who during the past year found that he could not put his goods on the market, said to a Manila merchant: "When I return to America we will have this altered. We are going to make it impossible for you to sell

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

'splits.'" And he was true to his word. Congress apparently is the servant of the cotton industry, for on February 25, 1906, an act[1] was passed placing a surtax of one hundred per cent. on "splits," the single-selvaged textiles into which the double-width fabrics of English make are cut in order to gain competitive foothold. No opportunity was given for a fair discussion of the act among those who would be chiefly affected, and it was rushed into operation with such precipitateness that local merchants who had placed large orders for "splits" in Europe were unable to countermand them before it became law.[2] The result is that American cottons, unwilling to compete on the basis of fair legislation, are foisted upon reluctant and protesting buyers.

About seventy per cent. of cotton textiles hitherto sold have been "splits," the balance being mainly American goods of a higher grade. These "splits" are worn by the millions of poorer people, both men and women, as a staple article of clothing. The material is poor and cheap, perhaps one dollar per piece lower than the competing product from America, but, as any one knows who has any cognizance of the meaning of poverty in the Philippine Islands, it is as much as the native can afford. And yet, in order that there may be *an additional market for the surplus trade in American cottons*, the Filipino is prevented from buying the article he wants and is forced to purchase a textile that he cannot afford and does not want. America's profits on cotton textiles in the home market are so great that she can afford to carry her surplus to England and undersell her competitors there. Not satisfied with this, she is now thrusting by force a fragment of this surplus on the poorer Filipinos, after having tried to get control of the market by fair means and failed. If the inhabitants of this Archipelago had the spirit of the American colonists of 1776, they would rise in revolt and cast every shred of American cotton into Manila Bay, presumably winning by this act the applause of all honest-minded Americans.

From the first I have defended the purpose of my country in its relation to the Philippine Islands; I have believed the heart of the Nation to be sound and its motive pure; I have considered mistakes in the working out of our policy of education in self-government to be of secondary importance and such as there would be an easy recovery from. But when the effective agent of the Nation in Washington belies the country's character by committing the very fault that led the founders of our Republic to strike for independence, what remains for an honest man to do but to rise in revolt and utter his solemn protest? This I now do in the name of liberty and honor and justice. Of what value is it that the purpose of the people is sound if they have not character enough to put it into effect? What boots it that the majority of the American Nation have a pure motive if the controlling forces sully it with the stain of dishonor? What benefit can there be in local education in self-government out in these islands if the teacher in the homeland lies under the heel of tyranny? In the days of George III. of England the British public were on the side of justice, but it availed nothing as long as the hand that wielded the power was tyrannous. So is it now. Is America governed by a democracy or a tyranny? If by the former, why do the people demand one thing and the Government give another? Are the operations of the State approximately coincident with the purposes of the Nation, or is democracy merely a pretty plaything for idealists to toy with?

The moment is not one in which to parade our ideals and talk of our glory. It is a moment for stern and relentless action. There is no place left for repentance. The common safety requires that the Nation shall wrest from the upper legislative chamber in Washington the power which it has steadfastly abused, and make Senators directly responsible to the will of the people. This is the necessary preface to a course of honor. Fellow-citizens, to the task!

Manila, Philippine Islands,
May 15, 1906.

[1] "An Act to amend an Act entitled 'An Act to revise and amend the tariff laws of the Philippine Islands, and for other purposes."

[2] It was approved by the President February 26, 1906, and took effect upon its passage. It was not published in the Philippine Islands until March 16, yet any goods not actually in transit before midnight of February 25 were subject to the new law.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE QUEST FOR ERROR AND THE DOING OF JUSTICE[1]

BY CHARLES F. AMIDON

Judge of the District Court of the United States, District of North Dakota

IN 1887 a commitee of the American Bar Association reported to that body, after a careful investigation of the subject, that new trials were granted in forty-six per cent. of all causes that were brought under review in appellate courts in this country. It was further found that in sixty per cent. of these cases the appeal turned upon questions of pleading and practice. I myself have recently looked into this subject with respect to seven representative States of the Union, for the period extending from 1895 to 1900, and find that the conditions reported to the Bar Association have not improved, but, on the contrary, have in some respects grown worse. This morning's Chicago paper contains an account of a personal injury case that had been to the Supreme Court of Illinois four times, and had just been tried again and started on its weary journey for another review.

These facts point unmistakably to the capital vice of American law—viz., its instability of administration, the frequent retrials of the same controversy. For the purpose of comparison, and of seeing whether this condition is a necessary evil, I have examined the law reports of England for the period extending from 1890 to 1900, and I find that of all the causes that were brought under review on appeal in that country, new trials were granted in less than three and one-half per cent. Here is a country having the same body of substantive law that we have, having substantially the same practice that we have, and yet the result in the one case is new trials in forty-six per cent. of all causes brought under review, and in the other in less than three and one-half per cent.

What is the cause of this difference? I know that there are several minor causes to which attention might be directed, but the fundamental defect of our legal administration is the doctrine that, where error is found, prejudice will be presumed. That is the difference between the English and American administration of the law. In England there is no such thing at the present time as a bill of exceptions. A copy of the pleadings and of the written instruments that have appeared in the trial of the case is furnished to the appellate court, together with a transcript of the evidence, or more frequently a transcript of the brief notes of the presiding judge, and then the question is not, Is there error in the proceedings of the trial court? but the question is, Is the judgment just? And if it is, it is let alone. This doctrine, that where error is found prejudice will be presumed, removes the cause at once from the region of reality and fact into the thin air of presumption and metaphysics. The record is there—why presume prejudice? Why not look at the record and see whether prejudice in fact occurred? That is, whether the error is of such character as to produce a wrong judgment. After litigants have once been led over the weary course of justice, there ought to be, at the end, peace for both, and permanent fruition for one.

What is the effect upon our profession of this doctrine that where error is found prejudice will be presumed? In the first place, it puts every lawyer on the quest for error. In so far as I have been able to observe, there are two motives that animate each lawyer in the trial of a cause in our courts: Get a victory if you can, but under no circum-

[1] This is in substance an address delivered by Judge Amidon before the last annual meeting of the Minnesota State Bar Association. That part of the address which deals with the technical difference between English and American procedure is omitted. The article is printed from a stenographic report revised by the author. See editorial comment on another page.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

stances fail to get error into the record. If these little matters are of equal importance in the court of review with the substantial matters of justice, of course they must receive in the mind of the lawyer the same attention. It has been one of the serious faults of the legal profession throughout its entire history, not only in America but in England and in Rome, and wherever legal systems have been built up, to exalt matters of practice above matters of substance. Those points are so interesting, they lead us out into such a delightful field of research! I have in mind now quite a distinguished lawyer who spent three months preparing himself to be properly surprised by an adverse ruling on a question of pleading. Now, I know how those points look. I have been in practice, too. You get one of them, and it is so accurate, it is so well defined, it doesn't lie out in those regions of discretion like matters of fact. The lawyer with one of those nice points spends weeks and months polishing it up and looking at it so closely that really at the end of that time it looks to him bigger than Pike's Peak, and when the judge at the trial simply brushes it aside, he feels that the very pillars of the temple of justice have been torn down. In fact, it often occurs that that little point is all that he has, and when it is destroyed he is left naked before his enemies.

I think, as a rule, you like the judge best who keeps his hands off—I have heard some of you say that. That is not the method of the English judges to whom I have referred. If you were to step into an English court and see a cause in the progress of trial, the one thing that would impress you above all others would be that the judge and the lawyers are all bent on getting at the substance of that cause. The fact that has impressed me most in keeping track of English decisions during the last twenty years is this: the skill and the zeal which the trial court and the trial counsel display in putting the record in such shape that the cause may be disposed of in the appellate court on the merits, provided the appellate court takes a different view of the controversy from that taken by the trial court.

What is the effect of this doctrine of error upon the trial judge? Instead of having his mind centered upon the substantial merits of the cause, it will often happen that he is bewildered by a multitude of perplexing small questions of practice in which the cause is constantly embroiled. I remember talking with a distinguished Federal judge in the West, who, a few years ago, was traveling in England, and was invited by Lord Bramwell to take a seat with him on the bench while he was holding court in Manchester. A personal injury case was on trial, and a witness was proceeding to give a somewhat informal but really substantial and accurate account of how the accident occurred, when counsel for the defendant arose and objected to the evidence, and Lord Bramwell reprimanded him for interfering with the trial of the cause. A little later he thought the situation was growing more serious, and he arose again to pray an exception. He was informed by Lord Bramwell that it was his duty to keep the trial of the cause within the proper limits, and that he considered himself capable of discharging this duty. A little later something more serious, in the mind of the lawyer, arose, and he again ventured to object, when he was sharply reprimanded by the presiding judge and told to take his seat, and informed that if he interrupted the trial again he would be fined for contempt.

Now, Lord Bramwell was old at that time and possibly arbitrary, and I do not commend the practice, but he did not forfeit the respect, I can assure you, of the English barristers who were engaged in the trial of that cause. They knew him to be one of the greatest judges that ever presided over any court, and I will say that even his arbitrary methods would be better than the petty wrangling over small points of evidence that consumes so much of our time.

But, men will say, if we do not reverse these cases for error, what will become of our rules; what will become of the rules of pleading and the rules of evidence, if we do not reverse these cases for their violation? Again I appeal to experience. What has happened in England? For more than a generation it has been impossible to base error on

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

any matter of practice, pleading, or evidence, unless it was fundamental to the cause. What has been the result? Are the rules of pleading thrown away in England? Are the rules of evidence disregarded in their courts? By no means. It is the testimony of all who are familiar with English practice that the rules of pleading and the rules of evidence are much better observed there than they are with us. So the fact that causes are not reversed because of errors in matters of pleading or practice or evidence has nothing whatever to do with the observance of those rules. And yet a distinguished court, before whom many of you have practiced, recently reversed a case because the cross-examination of a witness was permitted to extend somewhat beyond the examination in chief, and the reasons assigned were, What will become of the rules of evidence unless we enforce them by a reversal of the cause?

Some might say, as has sometimes been said, that this practice of English courts cannot obtain here because with us trial by jury is secured by the Constitution. Is the right of trial by jury any more sacred in America than it is in England? Was not the provision found in our constitutions securing that right taken from Magna Charta? Is it not as much a matter of constitutional law in England that a man with a proper cause shall have a trial by jury as it is here? Most certainly it is. Is there any provision in any constitution that you know anything about that secures to a man the right of several trials by jury? Is there any provision in any constitution that you know anything about that secures to any citizen an absolutely infallible trial by jury? Trial by jury with us means just what it means in England—that a party shall have a right to have controverted questions of fact passed upon in the trial court by a jury. It does not hamper the power of the appellate court here any more than it does there. I shall never forget the remark of the most distinguished jurist that this State has ever produced, and one of the most distinguished jurists of this country—the late Judge Mitchell—on this subject of jury trials. He said to me once when discussing it, "The English have had the good sense to keep trial by jury on earth as an instrument for doing justice between man and man here in this world; whereas we in America have worked it up into the thin air of presumption and metaphysics." The jury, like every other instrumentality for the trial of causes, exists for the purpose of justly settling controversies between man and man, and when the controversy has been settled justly the litigation should end.

I remember reading recently a decision of the Court of Appeals of New York in a murder case in which an Italian was upon trial for the most cold-blooded murder of his wife. The Court of Appeals reviewed the evidence carefully, step by step, demonstrating its absolutely conclusive force; but upon the trial the defense of insanity had been interposed, and one of the errors assigned related to a hypothetical question that had been asked of a physician. This question was not in proper form. It was the last error examined by the Court. They sustained the error and reversed the cause, and wound up the opinion with that apology with which we are so familiar: "We regret exceedingly to reverse this cause, for the record leaves not the slightest room for doubt of the defendant's guilt; but the defendant was entitled to a trial by jury, and there is no telling what the jury would have done if this evidence had not been admitted." Well, while the Court was in the business of presumption, presuming prejudice from error, why not just presume that the jury would have done its duty? That would have been a more rational presumption than to reach out into the region of speculation and presume that the jury would not have done its duty, when the record made plain, as the Court itself said, beyond the possibility of a doubt, what that duty was.

What is it that this rule that I am considering requires of the trial court? Not justice, but infallibility. Now, consider the circumstances under which the trial is carried on. The primary duty of the trial judge is to proceed with the cause. If he stops to debate and investigate all the questions that will arise in

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the course of the trial, he is sure to fall into error on minor points. He has no time for the investigation. He must proceed with the cause on its merits, giving his best judgment to these points as they arise; and if the appellate court, having abundant leisure to investigate the matter, finds that the trial court has fallen into error as to a matter of practice or pleading or evidence, then, unless that error causes, as the English rule puts it, a miscarriage of justice, the error should be disregarded.

I am not so uninformed as to contend for one moment that matters of practice or pleading are not important, for sometimes they go to the very foundation of the cause; but it is my observation, and I know it is the observation of most trial judges, that it is very seldom indeed that it is necessary to sacrifice substantial justice to these matters of procedure. There is no scourge in the hands of the strong against the weak like this scourge of new trials. It can wear out the strength and endurance of the weak, and it has been used for that purpose. It is not necessary, as I have pointed out to you as a matter of actual experience, that it should continue.

The administration of the criminal law has nearly broken down in America under the application of this rule. After an experience of one hundred and twenty-five years, we have not that swiftness and certainty of legal action, that respect for law, which ought to characterize a civilized people; on the contrary, this principle has brought inefficiency in legal administration, a pestilence of refinements and new trials, and such a reign of disregard for law among both high and low, rich and poor, as has seldom been seen in civilized nations. What are we going to do about it? There is nothing that stands in the way of the adoption of the remedy that restores this. Among the remedies that have been suggested in this country is that recommended by one of our own distinguished judges—that the right of appeal in criminal cases be abolished. That remedy can never be applied in America. The right of appeal has lasted too long, and the possibilities of injustice are too great. Our people will never consent to abolish that right. But it is possible, gentlemen, to say this: that when a jury has tried a man charged with a crime and found him guilty of the offense with which he is charged, the judgment shall not be set aside for errors which do not go to the very substance of the cause. We can say, without robbing any man of any right, that if the judgment is just it shall stand. The criminal procedure which we have in our courts to-day, instead of speaking to us of the present time, takes us back to the time of the Stuarts in England. We have abolished all the savagery of the old English common law of crime, but we have kept right along the procedure and refinement which the English judges devised to save men from the vengeance of that savage code. If we go back to the time of the Stuarts, the great body of crimes were political and religious and were mainly prosecuted for political ends. All that has been done away with. As a learned jurist lately said: "We have long since passed the time when it is possible to convict an innocent man, and the problem which confronts us to-day is whether we can convict a guilty man."

During the last seventy-five years nowhere in the British Empire has a man been snatched from the custody of the law and sacrificed to mob violence. That, gentlemen, is to me the sublimest legal fact of the past seventy-five years. Nowhere in the British Empire, including South Africa, Australia, and British America, has a single human life been snatched from the custody of the law and sacrificed to mob violence. That is respect for law organized into human character. Let me place before you our own experience. Suppose what has repeatedly happened in some of the oldest States of this Union, when a man under arrest, charged with crime, has been snatched from the custody of the law, taken to a public place, tied to a post, acid poured in his ears and eyes, his fingers and toes cut off as mementoes of the event, and the torch then applied by women in his execution—suppose that had occurred in the Philippine Islands, what would we have said about the fitness of the Filipinos for self-government?

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

I say that our administration of the criminal law has broken down. It is an unworkable machine. I know we convict men and send them to the penitentiary; but I state it here as a fair statement of the administration of the criminal law in America that if a man has the means to employ able counsel, so as to make a fight, as we say, in the great majority of cases he can escape punishment for crime. The trial can be so protracted and enmeshed in such a complication of pleading and evidence as to result—not in every case, oh, no, but in the majority of cases—in error which, under this pernicious doctrine of presumed prejudice, will nullify a conviction. I appeal from this practice to the practice that has obtained across the water. The main feature of that practice is not the doing away with the right of appeal; it is the other matter to which I have already pointed, viz., that only substantial error shall be regarded.

Something ought to be done by the legal profession to correct this confessedly serious fault of American law. I believe that it is comparatively easy of rectification if the rule which has been tried in England for more than a generation, providing that those errors which do not result in a miscarriage of justice shall be disregarded on appeal, be made a part of our law.

THE COMING AGE[1]

BY LYMAN ABBOTT

THERE are three types of social order radically inconsistent. They are, respectively, paternalism, individualism, fraternalism. Each of these types of social order is defined tersely in the Bible. The definition of paternalism is found in Exodus xviii. 21, in the advice of Jethro to Moses: "Moreover thou shalt provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place such over them, to be rulers of thousands, and rulers of hundreds, rulers of fifties, and rulers of tens." This is not an inapt description of the ideal of social order which was entertained in the Middle Ages. The actual differed very much from the ideal; but the ideal was that a few able men, such as fear God, men of truth, hating covetousness, should be the rulers. The few were to govern, the many were to be governed. In the State these men were selected by a process of heredity. The sons of kings were supposed to be men of royal character, the sons of nobles men of noble character. In industry the same process was relied upon. The feudal lords owned the land and protected their vassals. The vassals rendered service to the feudal lords in return for the protection. The relation between them was that of master and man. In the Church the best men were selected by a process of ecclesiastical appointment. But alike in Church, in industry, and in State, the notion was that a few best men should be selected to govern, and that the many, who were as children, were born to be governed. The few were booted and spurred to ride, the many were saddled and bridled to be ridden.

In the sphere of religion it was assumed that the many were incompetent to solve either the great problems of theology or the lesser and in some respects more difficult problems of casuistry. No right of private judgment was recognized in the layman, little or none in the lower order of the clergy. The divinely inspired Church was to do the thinking. The common people were to accept the results of that thinking and yield to the Church implicit obedience. They were to go to the sanctuary and learn from the pulpit the truths respecting God and the eternal world; they were to go to the confessional and learn from the priest their duties in the ordinary vocations of life. In the realm of industry the common people were to render the service required of them. They owned

[1] This baccalaureate sermon was preached at Harvard University, June 17, 1906. It has been since written from memory, and is here printed as thus reproduced by th preacher.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

no land which they could till and no tools with which they could till it. They could hardly be said to own themselves. The proceeds of their industry were taken from them in rents and taxes and expended, theoretically for them, by their feudal lords or by the king, as the earnings of children are expended for them by their parents. In the political realm it was assumed that the people were without intelligence to understand the problems of government. In the government, therefore, they had no share. The family was the type followed—but with this radical difference: in the family the true father governs his child with the purpose of making him eventually self-governing. In the paternal governments of the Middle Ages the king governed the people; but with no conception that this government was to prepare the people for eventual self-government.

It is not necessary for my purpose to summon history to bear its witness against this system. Taine's "Ancient Régime" gives a graphic description of its effect in France. Mr. Gladstone, in his "Letters to the Earl of Aberdeen," has portrayed its workings in Italy. Henry Charles Lea, in his "History of the Inquisition," has shown some of its effects in Spain. Its effects in England were greatly modified by the free spirit of the people. But even in England it produced the tyranny of a Laud in the Church and of an Earl of Strafford in the State, and both in England and upon the Continent the results of paternalism became so unbearable as to lead at last to what seemed a desperate but what proved to be a successful revolt.

As the result of the Puritan revolution in England in the seventeenth century and of the Napoleonic revolution in the eighteenth, the power of autocracy was broken, and for the English-speaking people forever destroyed. The colonists in America, whether Puritans in New England, Cavaliers in Virginia, or Huguenots in the Carolinas, came hither to initiate a new experiment. They had learned in the school of experience that it is impossible to select a few able men, such as fear God—men of truth, hating covetousness—to make them rulers of the many. Government, as they had experienced it, whether in Church or in State, had been despotic and oppressive, and they desired to reduce government to its lowest terms. In individual liberty they believed that they had found the solvent of social difficulties, the panacea for social disease. They determined to establish a State without a king; and, with the exception of the Roman Catholics in Delaware and the Cavaliers in Virginia, they desired a Church without a bishop. Even where the bishopric was retained, it was a democratic, not an autocratic, office—a ministry for the people, not a mastery over them. On the whole, it may fairly be said that the description in Judges xxi. 25 of the colonial period in Israel is not an inapt description of the colonial ideal in America—"In those days there was no king in Israel; every man did that which was right in his own eyes."

This ideal was worked out in the American Revolution, and in the time immediately following it, with a fair degree of consistency. In the political realm government was regarded as a necessary evil; the less of it the better. Its sole function was deemed to be a twofold protection—the protection of the Nation from other nations, the protection of each individual in the Nation from wrongs threatened by other individuals. This protection afforded, each individual was to be left free to do what was right in his own eyes. In the industrial realm slavery remained a relic inherited from the past. The fathers of the Republic endured but did not defend it, and hoped that it would die of its own inherent weakness. With the exception of slavery, frankly recognized as an anomaly, industry was emancipated. The philosophy of Jeremy Bentham became the dominant industrial philosophy. This may be roughly defined by the two words free competition. More fully defined, it may be described thus: Self-interest is the inspiration of industry. Leave all men unhampered to struggle each for his own interests. In free competition each man will get that to which his ability entitles him. Thus a rude though imperfect industrial justice will be secured. In the religious

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

realm the right of private judgment was substituted for the doctrine of submission to authority. Religion, it was said, is purely an individual matter between each soul and its God. Each soul must therefore be left to settle this matter for itself. Each individual must be free to worship God according to the dictates of his own conscience, or not to worship at all if he so prefers. The old attempt to secure unity of faith and worship by obedience to one head of the Church was abandoned. No attempt was made to find any other basis for unity either of faith or of worship.

This experiment of individualism has been tried for a century. It has not fulfilled the promises of its prophets. Experience has proved that intelligent self-interest and a careless disregard of the interests of others can never be made the parents of a well-ordered industrial system. Philanthropy has revolted at the intolerable wretchedness which has been inflicted upon the poorer and the weaker by the doctrine that industry is a struggle for existence and a survival of the fittest. The invention of machinery and the accompanying and not less important invention of the division of labor have put an end to pure individualism in industry; have compelled cooperation and combination; have created corporations and combinations of corporations—that is, trusts. Labor, finding itself the helpless servant of capital if capital is organized and labor is not, has entered into combinations, sometimes to defend itself from the aggressions of capital, sometimes to make aggressions upon capital, but always avowing as its principle the unindividualistic motto, An injury to one is an injury to all, and a benefit to one is a benefit to all. The Church has learned that religion is not merely an individual matter between the soul and its God, that it is as truly a matter between each individual and every other individual. Thus we are gradually learning that the individualism in which every man does what is right in his own eyes is not the ultimate form of society; that there is something beyond; that this something is a social order in which a community of interest is recognized and a community of life is maintained; an order the ideal of which Christ sets before his disciples in the saying reported in Matthew xxiii. 10: "One is your Master, even Christ; and all ye are brethren."

Roughly speaking, it may be said that the form of society in the eighteenth century was paternalism; in the nineteenth century, individualism; in the twentieth century it is already beginning to be fraternalism.

An age in which government protects the nation from other nations, and the individual within the nation from the wrong-doing of other individuals, and leaves each individual to do as seems right in his own eyes, is a great improvement on the age in which a few are selected by a natural process of inheritance to rule over the rest. But there is something better in the political realm than this night-watchman's theory of government. The State is an entity. The State has a corporate interest which is something more than the mere aggregation of the interests of the separate individuals in the State. Public spirit recognizes and serves this public interest sometimes at individual self-sacrifice. The State owes a corporate duty to other States; a duty which is something else than the mere aggregation of the individual duties of the individual citizens that constitute the State. The nation may be under an obligation to intervene to prevent the massacre of the Armenians in Turkey, the monstrous maltreatment of the natives in the Congo, the oppression of the Cubans by Spain. There is or ought to be a national conscience which recognizes these national obligations and to which appeal can be made to enforce them. The State has a corporate intelligence expressed in public opinion. This public opinion is created by the interchange of the opinions of many individuals, but it is a corporate opinion and concerns itself with the interests and the duties of the State. Such a public opinion is possible only when each individual considers the interests of other individuals as well as his own interests, and respects and will pay heed to the opinions of others. The State has a corporate will which is formulated in public law and issues in public action.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

This law is the resolve of the State; the consequent action is the action of the State. Thus the State, composed of brothers who regard one another's interests, respect one another's opinions, and co-operate in action for the common welfare, is a PERSON, which thinks and feels and wills and acts. This conception of the State is far different from that paternal conception of the State to which Hamilton inclined; it is far different from that individualistic conception of the State which Thomas Jefferson advocated; it is far better and higher than either.

There are belated men in our time who regard democracy as a failure and desire to go back to the paternalism of the past. There are other belated men who are practically endeavoring to do so by substituting a bureaucratic for a democratic government—the rule of the boss and of the machine for the rule of the people. They would select a few men to rule over the many, but they differ from Jethro in his counsel to Moses, because they do not select able men, or such as fear God, or men of truth, or those who hate covetousness. More in number than these advocates of a return to a real or a *pseudo* paternalism are those who still linger in the age of individualism. The dread of autocratic government which was reasonable in their fathers haunts the sons, though the reason for it has long since passed away. They fear any extension of governmental power and any enlargement of its administrative functions. They confound democracy with individualism. The only democracy they know is a social order in which there is no king and every one does what is right in his own eyes.

But the social order of the future is neither that of paternalism nor that of individualism, but that of fraternalism. It is neither that in which a few will rule over and supposedly care for the interests of the many; nor that in which each individual will take care of his own interests regardless of the interests of his neighbor, on the hypothesis that so the interests of all will be well taken care of. It will be a social order in which each member of society will recognize that the interest of one is the interest of all; that the opinion of the many developed by a free discussion is wiser than the opinion of a few wise men unenlightened by public discussion; that government has other functions than that merely of protecting the nation from other nations and the individual from other individuals. It already does much more than this: it deepens the rivers; it lights the coasts; it dredges the harbors; it supervises the incoming of immigrants; it has a large share in the management of the currency; it carries our letters, and will, let us hope, before long carry our telegraphic and telephonic messages; and it administers the greatest, if not the best, popular educational system in the world. In all these things the brotherhood acts for itself, in the faith that the nation possesses a corporate interest, a corporate intelligence, and a corporate will. How far may this corporate action be carried? Only experiment can answer that question. But this we may say with confidence: that the city, the State, and the Nation have each a right to do whatever the people can better do for themselves, through their political organization, than they can hire done by private enterprise.

An age in which each individual is at liberty to work out his own economic problem for himself is far better than an age in which he is driven to his task by the whip of a master. But an age in which each individual sees that his economic problem is in its essential elements the same as that of his neighbor, that their interests are bound together in a common interest, and that they are best served by combination and co-operation, not by a self-seeking competition, is far better than either the age of industrial paternalism or that of industrial individualism. And this is the age upon which we are now entering. A hundred and forty thousand coal-miners of different races, languages, and religious faiths combine in a common effort for their common welfare. It is true that they combine only to promote the interests of the class; that they have formed, not a human brotherhood, but a class brotherhood. But this is an advance on an age in which each individual sought only his own interest in disregard

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of the interests of his neighbor. Thousands of small capitalists combine their savings in corporate funds for their common welfare. The corporation has been denounced as an instrument for the concentration of wealth. It is not. It is a modern contrivance by which wealth is concentrated for advantage in administration and distributed for the enjoyment of profits. The tendency of corporations, despite the imperfect fraternalism of this opening of the century, is toward the distribution rather than toward the concentration of wealth. Mr. William Grinnell, in his "Social Theories and Social Facts," states that the Standard Oil Company when first organized had forty-five stockholders, and now has more than four thousand; that the Sugar Trust when first organized had three hundred shareholders, and now has over twelve thousand. In vain will individualism endeavor to prevent the combination of wealth in great corporations and the combination of labor in great labor unions. The day of industrial individualism is passing away, the day of industrial fraternalism has already dawned. What is needed in industry is not a return to the discarded individualism of the past, but an advance to a more perfect and a more inclusive fraternalism in the future—a fraternalism in which the motto, An injury to one is an injury to all, and a benefit to one is a benefit to all, will be the motto not of a class, but of the entire community; in which not merely laborer will unite with laborer and capitalist with capitalist, but also laborer and capitalist will unite in a common undertaking for their common benefit; in which laborers will understand that capital, whoever owns it, cannot pay wages unless the business is profitable; and capitalists will understand that there can be no profitable market unless the laborer receives good wages; in which the producer will understand that he is also a consumer, and the consumer will understand that he is also a producer; in which every man will look, not only on his own things, but also on the things of his neighbor; and in which the direction and control by the people in their sovereign capacity will be superior to the control by any class, however powerful. In brief, the remedy for great combinations, whether of capital or labor, is not their dissolution, but their co-operation under the regulation of a still greater combination—that of all the people, acting through the State and National Governments.

There are belated men in industry who believe that in industrial enterprises a few wise, rich, and strong men must rule and the many must be ruled; who believe that the brains of industry belong to the few and the muscles of industry to the many. They do not believe in autocracy in Church or in State, but they still cling to autocracy in industry. These men, whatever their temporary success, belong in the seventeenth century, not in the twentieth. There are other men who believe that the panacea for all industrial evils is free competition; competition between combinations as formerly it was competition between individuals. They would trust to competing railways to secure railway rate legislation; to competing sugar and tobacco and paper and oil corporations to keep down the prices and to keep up the quality of the sugar, tobacco, paper, and oil. They belong to the first half of the nineteenth century. The age of the future is an age of fraternalism; an age which recognizes a common interest in industry and which promotes co-operation to secure that industry; an age of great corporations and combinations of great corporations; of great labor unions and of combinations of great labor unions. We have already passed from the era of mere individual consciousness to that of class consciousness; we are to go on from the age of class consciousness to that of community consciousness. The workingman recognizes a brother in his neighbor workingman; the capitalist recognizes a brother in his neighbor capitalist. The remedy for the evils incidental to class organization and class consciousness is not an impossible return to individualism; it is a possible advance to that era of fraternalism in which every man will recognize in his neighbor a brother man and in which the motto, An injury to one is an injury to all, will be adopted, not merely by

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the labor unions in their war against capitalism, nor merely by capitalists in their war against labor, but by the entire community in their common effort for mutual peace and universal prosperity.

In the religious realm the age in which every man is free to worship God according to the dictates of his own conscience, or not to worship him at all, is far better than an age in which men adopt a creed without thinking about it, and a worship without really entering into it, because both creed and worship have been forced upon them by superior authority. But this religious liberty is not the end; beyond it is that religious condition of life in which we recognize a spiritual unity underneath our varying creeds and a spiritual faith underneath our varying forms of worship.

There are in our time a few belated men who are endeavoring to compel us to accept their thoughts, or those of the fathers as formulated in the creeds of the Church, not because they are demonstrably true but because they are traditional. Occasionally they succeed in driving a dissenter out of their Church, and at the same time and by the same process induce the public to purchase his books. Formerly the way to suppress a book was to put it on the *index expurgatorius;* now this is the way to promote its circulation. There are more men who are content merely to live at peace with their neighbors, like monks in separate cells. The Puritan no longer prosecutes the Quaker because he chooses to go to a Quaker meeting-house, to worship in silence; the Episcopalian no longer attempts to drive the Puritan into a cathedral, to worship with a prayer-book. This is an advance over the past; but there is something better in the age which is coming.

The age of the future is that of a catholic faith and a practical co-operation; an age in which every believer will respect the faith of his neighbor; an age in which all men will recognize the truth of Paul's statement, We know in fragments and we prophesy in fragments, and will believe that there is something in every fragment necessary to complete the whole truth. In this coming age catholicity of faith will supplant toleration, as toleration has supplanted bigotry. The age in which I hate my neighbor's faith is gone; that in which I regard his faith with religious indifference which I call tolerance is going; that in which I respect his faith and work with him to a common end is coming in. A few weeks ago, at the International Arbitration Conference held at Lake Mohonk, there participated prominent leaders in the Jewish, the Unitarian, the Quaker, the Puritan, the Episcopal, and the Roman Catholic communions; and morning prayers were conducted on successive mornings by Cardinal Gibbons, of the Roman Catholic Church, Bishop McVickar, of the Episcopal Church, myself, of the Congregational Church, while the Scripture was read by Mr. Smiley, a Friend. Such a spiritual fellowship is characteristic of the Lake Mohonk Conferences, and is prophetic of the spiritual unity of the future.

Each age has its peculiar virtues and its peculiar vices. The virtues and the vices of the age into which you young men are going are those produced by the age of individualism which we are leaving behind. The age of despotism was one of repression; that of individualism was one of emancipation. It let loose an enormous amount of human energy which had before lain inactive and unsuspected. In this it conferred upon humanity an incalculable benefit. But with this energy, and partly because of it, it incited three vices—the three vices which have been characteristic of American life in the nineteenth century. In the realm of industry, individualism said to every man, The old restraints are taken away; you are free; seek your own interests and those of your immediate family; enter the competitive race; the best man shall get the prize; the prize is what he can get by his industry. Thus individualism developed the ambition of acquisitiveness. The evil of multi-millionaires is not that only a few men have enormous fortunes, it is that money has been made the measure of success, that the same letters U. S. stand as the symbol of our currency and of our National life. In the political realm individualism said to every man, The object of law is to protect each man's rights:

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

do not violate that law; otherwise you are to do what is right in your own eyes. It took off from men the external restraints of government; it did little to impose on them the spiritual restraints of conscience. Thus it promoted in America the lawlessness of self-will. The evil of the mob lynching the defenseless negro, and of the coal barons of Pennsylvania combining in violation of law that they may lower the cost of production and raise the price of coal, is not merely that in one case a perhaps criminal negro is burned to death, and that in the other a defenseless community comes perilously near a coal famine; it is that the laws alike of God and of man are trampled under foot, and the self-will of the individual, obedient to his blind passion in the one case and his scarcely less blind self-interest in the other, is made the sole law for the regulation of life. In the realm of religion individualism said, "Religion is simply a matter between yourself and your God; your neighbor has no concern with your faith and you have no concern with your neighbor's faith." Thus individualism developed the irreverence of self-conceit. For he who begins with contemptuous indifference for his neighbor's faith is liable to end with contemptuous indifference for all faith. He who has no reverence for his fellow-man will not long preserve reverence for God.

If, young men, you are to be leaders in the age upon which you are entering, you must understand its essential spirit. You must comprehend the age from which we are passing and the age into which we are entering. You must recognize both the vices and the virtues which we have inherited from the age of individualism, and seek to preserve the virtues and to conquer the vices. You must realize that the age of paternalism is gone, that the age of individualism is fast going, and that he who would be a leader of his people must understand what the age of fraternalism means. In the realm of industry you must seek to substitute the ambition of achievement for the ambition of acquisitiveness, and make the standard of your success the quality of service you can render the community, not the degree of compensation you can get from it. In the political realm you must recognize that the State is a person, and that its prosperity depends upon its public spirit, its public intelligence, and its public conscience. And by your own life and influence you must seek to substitute for the lawlessness of self-will a law whose inspiration is the public conscience and the public intelligence and whose end is the public welfare. In the realm of religion you must see that there is truth in all creeds, reverence in all forms of worship, some spirit of goodness and inspiration in all men. So for the irreverence of self-conceit you must seek to substitute a reverence for God, founded upon respect for the honest convictions and the sincere purposes of his children. For as the ambition of acquisitiveness, the lawlessness of self-will, and the irreverence of self-conceit are the vices of that individualism which is miscalled democracy, so ambition to serve the brotherhood, loyalty to the will and welfare of the brotherhood, respect for the faith and worship of the brotherhood, are the essential conditions of that fraternalism which is the consummation of democracy.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SIGNIFICANCE OF THE OREGON EXPERIMENT

BY GEORGE A. THACHER

WHEN the people of Oregon amended their State Constitution by adopting the Initiative and Referendum four years ago this June, they may be said to have attempted to apply the old-fashioned New England town-meeting method to running the State Government. It is true that they held on to the Australian ballot, the usual election machinery and party organizations, but these proved methods of getting results made the experiment a comparatively simple one.

There have been two regular general elections held on the new basis, and the democratic ideal of action as opposed to the representative form has appealed to the voters so successfully that at the recent election held on June 4, besides voting for all State, county, and precinct officers and members of Congress, the voters passed verdict on five amendments to the Constitution, five general laws—all of them having been proposed by petition as provided for by the Initiative—and, under the privileges conferred by the Referendum, voted on the question of confirming or rejecting an Act of the last Legislature which appropriated something over a million dollars. More important still, or at least more interesting, they voted directly for United States Senators. Two years ago a law was passed by the people, according to the provisions of the Initiative amendment to the Constitution, which was called the Direct Primary Law. It is quite similar to the Direct Primary Law of Minnesota, but it has an unusual feature in providing for the election by the people of United States Senators by the direct vote of the electors, by means of a device which does not attempt to violate the Constitution of the United States and is no more cumbersome than the electoral college plan is for registering the will of the people in electing a President.

The plan is a simple one, and provides that each party shall nominate its candidate for the Senate, as it nominates other officers, at the primary election. At the general election the candidate for Senator receiving the largest vote is declared to be the choice of the people. In order to make that choice effective the primary law provides that candidates for the Legislature may sign a statement, to be filed with their announcement of candidacy, which shall declare a promise to vote for such candidate for United States Senator as shall have received the largest number of votes at the general election. That is described as Statement No. 1. Statement No. 2, which promises to exercise personal discretion in voting for Senator, may be signed by the legislative candidate at his peril—if he is willing to run the risk of losing his election. Of course, if the voters of the State are serious in their determination to choose United States Senators under the provisions of the new law, it will very rarely occur that a candidate for the Legislature will secure election if he fails to sign Statement No. 1. The election which has just taken place is the first under the new law, there being two United States Senators to be elected by the Legislature next winter—one to fill the late Senator Mitchell's unexpired term, and the other for the full term of six years, beginning March 4, 1907. While there are fifteen hold-over State Senators in the Upper House, whose successors will not be elected until June, 1908, the majority of the two houses is heavily Republican. The experience at the primary election proved that it was good policy for candidates to sign Statement No. 1. To be sure, some undeniably good men refused to sign Statement No. 1. Generally their reason was that they would not make a promise which might compel them to vote for a man for Senator who did not belong to their party. That seems to be the

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

crucial point in the experiment, though, obviously enough, the law was conceived in a spirit of perfect independence of party. The question has been threshed over with perhaps but little effect on individual prejudices. Naturally enough, the minority party in the State approves of the election of the candidate for Senator who shall receive the largest vote at the general election, as that would give them an occasional Senator, or might do so. Just as naturally, many members of the majority party ridicule the idea of their electing a member of the minority party United States Senator, even if a majority of the voters of the State have expressed a preference for him. A judge of Muttnomah County, in which Portland is situated, who has a State reputation, has argued that the primary election law is binding and final, while the leading Republican newspaper has quoted from the Constitution of the United States to prove that the Legislature is the final arbiter (as it undoubtedly is). This paper scoffs at the idea of a Republican Legislature electing a Democrat for United States Senator, though that position is inconsistent with any approval of the primary law. The question will not arise next winter, for the Republican nominees for the office of United States Senator were declared to be the choice of the people of Oregon at the polls on June 4, and all that remains is for the Legislature to elect them. To be sure, the ground has been taken that the expressed preference of the people amounts merely to a nomination for the Legislature to consider, but obviously the determination of the people may lead them to elect only such legislators as will elect the Senators who may be chosen by the voters. There may be an occasional failure, but the power of the voters is indisputable, and it is easy to anticipate the time when the Legislature will no more dream of repudiating the will of the voters than the electoral college would think of exercising personal independence in electing a President. Some members of the Legislature were elected June 4 who had refused to be bound; but their election, in some cases at least, was due to personal popularity and a record for efficiency as public officials. On the other hand, while some unpopular candidates succeeded in getting the nomination of their party through their willingness to sign Statement No. 1, when they came before all the voters of the district at the general election the question of personal fitness or popularity decided the issue. In one of the large counties of western Oregon, where the two large political parties are so evenly divided that fifty voters can change the outcome of an election, an unpopular man who got his party nomination because his opponent refused to sign Statement No. 1 and because *he* did sign it, was defeated by the nominee of the other party who refused to sign Statement No. 1, by nearly a thousand votes.

It is probably a fair estimate of the political history of Oregon since the beginning of the twentieth century to say that its real significance is in the growth of the number of independent voters. The Initiative and Referendum are in themselves a repudiation of party policy as a shibboleth, and the direct primary is their logical successor. Oregon has a normal Republican majority of fifteen thousand or more, but the present Governor, a Democrat, has just been re-elected by some two thousand votes. He was one of the leaders who fought for the Initiative and Referendum when it was not a politic thing to do. After the Initiative and Referendum became part of the Constitution he compelled the Legislature to give the people their new privileges. There was a strong effort on the part of the Legislature which sat in 1905 to defeat the spirit of the Referendum by attaching what is called the emergency clause to each act. That clause declares in effect that for the preservation of the peace, health, or safety of the State it is necessary for the act to become operative at once, otherwise it would not go into effect for ninety days, which would permit five per cent. of the voters to file a petition with the Secretary of State and have the act passed upon by all the electors at the next general election. Governor Chamberlain declared that he would veto every law which had the emergency clause attached where there was no necessity for it.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

That stand on the part of Governor Chamberlain, together with other sensible and determined efforts to enforce the spirit of the laws, has made him undoubtedly the most popular man in Oregon. He is known to be honest and sincere; and his recent declarations on the stump, during the campaign just closed, that he was emphatically in favor of public ownership and control of public service corporations, have received respectful consideration from all parties and have not even secured for him the epithet of "crank" from his worst enemies.

Possibly Oregon differs from other States in degree of interest in the question of control of public utilities, but there is at least none of the fear expressed by Judge Grosscup in his articles in the "American Magazine" that public ownership of public utilities is a menace to the institution of private property. It is rather urged that the right of private property should be recognized as the reason for each citizen's interest in public utilities, both because they secure charters from the people (the State) for the exercise of large powers like that of eminent domain and the right to charge tolls, and because the right of each citizen to fair and equal service at the same rate of compensation is considered as just and democratic.

Obviously, the town-meeting method of deciding all public questions offers a short cut to getting the sense of the public, whether that public is what Alexander Hamilton once described it as being or not. Oregon seems to have placed herself where that question is in a fair way to be settled to the satisfaction of the people of the United States. The electors decided on June 4 that they would not amend the Constitution in order to give women the suffrage. They decided that they would not amend what is known as the local option law which was enacted two years ago at the polls. They passed two laws under the provisions of the Initiative to lay a gross earnings tax on express companies, telegraph and telephone companies, also on sleeping-car companies, refrigerator-car companies, and oil companies. In the matter of laying taxes they anticipated, or rather ignored, the work of a State Tax Commission which was created by the Legislature in 1905 and which has not yet made any report on the subject. The stand of the voters of Oregon all along the line may be construed as taking back to themselves the decision of practically all matters which vitally affect the interests of the people. That will at least increase the personal responsibility of the voter, and it promises to be an extremely interesting experiment.

"SAYING PRAYERS"

BY JEANNETTE PARKER

WHAT thinking women are thinking about is pretty sure to come out at the Woman's Club. "Shall children be taught to say prayers?" The discussion of this question in many clubs last winter, and the probability that it will be brought up in many more in the near future, furnish a strong illustration of the catholicity of the typical inclusive woman's club. Woman's clubs may be classified as *in*clusive and *ex*clusive; the latter representing, as a rule, some one of the many departments of a large *in*clusive club. This catholicity makes possible the discussion of religious questions from the several standpoints even of a membership including almost every school of advanced religious thought—Christian, Jewish, New Thought, scientific materialism, and occasionally Roman Catholic. Broad tolerance is usually the characteristic feature of these discussions, too frequently reminding listeners with clearly defined convictions of what has been called "the mush of concession"—an inevitable product of prolonged training on the floor of the average woman's club. When to this is added strict elimination of personal experience (a wise rule for the woman's club, with notable exceptions), anything like a definite answer to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the question aforesaid is not likely to be reached.

Nothing was made plainer to me as a silent listener during a discussion of this question than that the personal experience of some of those earnest women in "saying prayers"—what they really knew of the impression made upon the life of one child at least through its earliest prayers—would have let in much light. The trend of the discussion was against teaching children to pray automatically, to repeat words that to them were meaningless; one speaker enforced this by the story of the little girl to whom the seventh commandment meant, "Thou shalt not kick a duckery." Anything that developed priggishness and formalism in a child was a disharmony in the system of his education. "Why make compulsory," one speaker was cheered for saying, "in a child what the great majority of adults brought up to say their prayers at night observe no longer as a duty to be performed invariably, if they have not discontinued the practice entirely? When a child knows what prayer is, he will pray, and in his own way. Tom Brown is not kneeling in the dormitory at Rugby in these days, nor do our best examples in the higher life attitudinize a visible and outward sign when they give thanks at a public table."

Now, why not offer to The Outlook, which club women largely elect to read, my own personal experience in "saying prayers"?

I am now seventy years old. Before I could pray for myself Christian parents prayed for me. I do not remember ever going to sleep without prayer, purely formal as those prayers often were. I do not remember my first prayer. But clear cut upon my memory is my earliest idea of the God before whom I knelt with covered face—that stern, strange Being, "'way up in heaven," sitting on a great white throne. Thunder and lightning were made by him, and "hailstones and coals of fire." His eye—one great terrible eye—was always upon me. He would know if I did not say my prayers. Sinners were those who did not—who skipped them when they could, and never went to church, and played with their dolls on Sunday. The sure fate of sinners I had no doubt about. The form of my private devotions was always the same. First, the Lord's Prayer—meaningless quite, all in all, and harder to remember than the formulas of the counting-out games. Then, what was always the serious tax upon my gift of expression, came putting into my own words my confession of the naughty deeds of the day; how I had struck Sally, for instance, eaten green apples, or told a fib. "Now I lay me" was reached with thanksgiving, disagreeable as was that suggestion of the possibility of my dying in my sleep, which made me sleepless oftentimes until habitual deliverance allayed my fears. "Amen" was sweet to say; it meant that I had done all that could be expected of me by "Him that sitteth on the great white throne." Of communion with a loving heavenly Father I knew nothing. All that was told me of his love and care was neutralized by that dominant conception of the Almighty that had been impressed upon me with my first prayers. At family prayers that same God was the somber shadow before whom I knelt, after hearing much of him in long chapters mainly from the Old Testament—the portion from the New was always short. In the meeting-house I met him again; the undefinable heart-sinking that pondering upon him always brought comes back to me now with these recollections. One day—how well I remember it!—I, a little child, looking up at the blue sky from a green meadow, actually wished that God could somehow be driven away from "up there," making all things so much better in every way for everybody.

And yet mine was not an exceptional experience as a Christian child. Nor was I an exceptional child—neither better nor worse than the average in a well-to-do family of eastern New York. I have learned that what old folk usually tell of their first religious experiences is likely to be what, in credit to their first instructors, it ought to have been. Let us remember the vast difference between what Christians believed in those days and what they are learning to believe in these—the difference in the conception of God professed by our near ancestors and that

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

of many of their descendants. The God of my childhood was the God of ancient Judaism and of primitive Christianity—a conception which is happily disappearing, with its concomitant Miltonian notion of Satan, who, as I was taught to repeat,

"trembles when he sees
Little children on their knees,"

which statement alleviated greatly my discomfort in prolonged kneeling.

But—and here is the point I would emphasize—for all that my childhood's prayers were barren of spirituality and sincere yearning after the true God, I owe to them my habit of regularity in private devotion, the great blessing of my life. Through that fixed habit of entering into the silence of His presence at an appointed time, the portal of the inner temple was reached at last, through which I saw the broken gleams of the Vision to be revealed.

"Speak to Him, thou, for He hears, and Spirit with spirit may meet.
Closer is He than breathing, and nearer than hands and feet."

It was a long-tarrying Vision, because of the mist enveloping the path from which through misleading I had gone far astray.

Looking up at a magnificent memorial window recently placed in a cathedral in New York State, a Te Deum window—its story, "The Church throughout all the world doth acknowledge Thee"—I confronted again that awesome conception of the God of my childhood, as I often do in ancient and modern art. I could but pity the little children who see in that glory of color that loftily enthroned Being, King of kings—the God-Christ of their prayers. A multitude of saints of all ages are at his feet. Some one has written of the awful loneliness of God, the God of the old Judean conception—a conception belonging to the past.

One page more from an old woman's personal experience in "saying prayers."

I was barely out of my childhood when I had no longer any one to kneel beside when I said my prayers, no prompter when I forgot the words. I had reached a dry and barren tract indeed in the Sahara of my private devotions—my version of the Lord's Prayer another than the real one. Why not give up saying prayers? Would God miss mine from the thousands upon thousands he must hear every night? How could he? And so one night, with a dash of bravado, I went prayerless to bed. But I could not sleep until I had crept out and said my prayers with exceptional fervor. Not long after this episode I was sent away to school. I knew that I would be one of many girls sleeping in a large dormitory. If they did not kneel down before going to bed and "say their prayers," neither would I. That much I decided in advance. After prayers in the library, preceded by reading the Psalter antiphonally, we marched in silence to the dormitory. I was slipping into bed thinking that the library exercises would be all-sufficient, when a bell tinkled softly and every girl was upon her knees by her bedside, the one who shared my alcove softly whispering that I must not rise up (for I too had knelt) until the bell rang again, after which no one was to speak or make a sound. Before the signal for rising was given I had said my prayers three times over—so long were the prayers of the other girls—with peeps at the white-robed figures motionless around me, one of them giving a merry wink when she caught my eye. So deeply impressed was I by a beautiful girl with long golden hair covering her shoulders, a tiny taper lighting the page of the prayer-book resting upon her pillow, that I lost no time the next day in providing myself with a volume for private devotions. Addisonian as was its phraseology, and foreign as were most of its petitions to any real desire of my soul, nevertheless it proved a blessing, a great help in the development of my unnurtured spiritual life; and with it my progress out of the desert of bare formalism began. I soon learned to search for the prayers I needed and to use such with sincerity; but—and this I recall with certainty—I no longer prayed to the unlovable God of my childhood, though I did not have a clear conception of the God that was gradually revealing himself to my soul. A reputation for devoutness did me great hurt and retarded my advance into fuller light, for I believed all that was said of my piety. My extreme religiosity

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

(best word of all for this phase of my experience) resulted in a settled habit of attitudinizing as a saint—the greater the difficulty, the more exalted my saintship. Naturally, I became a ritualist of the extremist type, and came near giving my young life to a secluded Anglican sisterhood. But reaction was setting in. An overwhelming desire controlled me—the desire to try my wings and think for myself. I did not dream how strong the tide would be that soon swept me out upon the sea of doubt and unbelief. But through it all the fixed habit of prayer led me every night into the silence of His peace, where His hand never failed me, nor the still, small voice. Those were the days when I browsed in strange pastures—Spinoza, Swedenborg, Newman, Emerson—any sincere seeker for truth, no matter what his gospel. Can it be that Darwin gave the world his "Origin of Species" no longer ago than 1859? Old things had passed away; all things had become new. . . . And now the woman's club is asking, "Shall children be taught to say prayers?"

First of all, let us drop forever that phrase "say prayers."

Many are "the significant books of religion" (to quote from a recent review of nineteen of the latest and most important, each "in furtherance of expansion") which would help in answering the question for those who dare ask it, "the scandalized and the scared" needing and accepting no help in the answering beyond what is offered them by publishers of their own denominational constituency. "The books of religion which are being widely read at present," says the reviewer aforesaid, "are of the liberal sort" ("Atlantic Monthly," March, 1906).

"Up the ladder of faith," says Dr. Peabody, "mounts duty, until the pure in heart see God, and down its stairs descends the wisdom from above to interpret the life below; and along both ascent and descent stand the angels of God to guard and cheer the sons of men."

"The time will come," we read in that helpful little book, "In Tune with the Infinite," "when in the busy office or the noisy street you can enter into the silence by simply drawing the mantle of your own thought about you and realizing that there and everywhere the spirit of Infinite Life, Love, Wisdom, Peace, Power, and Plenty is guiding, keeping, protecting, leading you. This is the spirit of continual prayer. This it is to pray without ceasing. This is the new birth. . . . First that which is natural, then that which is spiritual."

In closing, may I offer the following version of "Now I lay me," which many mothers have substituted for the old one, remembering the depression that came to them in their childhood through the nightly reminder that they might die in their sleep:

> Now I lay me down to sleep,
> I pray thee, Lord, my soul to keep;
> When in the morning light I wake,
> Help me the path of love to take,
> And keep the same, for Thy dear sake.

And does it matter greatly if it be from their pillows or upon their knees that the words of little children are uplifted, if they have been led into believing in the loving Unseen Presence, the Infinite Spirit in which they live and move and have their being, the Source of all love in their hearts and of all their good desires, the Giver of every good thing? Verily, with that sweet consciousness permeating a child's soul, his prayers will be spontaneous as the morning song of the lark—and oftenest prayer without words.

Lest I be charged with evasive vagueness in answering the question calling out these personal experiences, I would say that if my own life has taught me any one thing more clearly than another, it is that a child's first conception of God should have prior consideration to his enforced memorizing of words in which to call upon God, no matter how simple those words may be. Imparting to a child an Idea of God—how overwhelming the thought! "This sense of the Infinite," says Dr. Hall in his Barrows Lectures, "is from the Infinite." "In the perception of the Infinite," said Max Muller, "is the yearning of the soul after God." In that yearning the perception has sure development. Thrice blessed is the child whose earliest conception of God is born of the spirit, not the letter, of divine truth.

No—children should not be taught to

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

"say prayers," but to pray; nor is this a mere play upon words. And, moreover, in the habit of regularity in private devotions; of observing a fixed time for withdrawing into the silence of His presence (best of all upon going to sleep at night), my own personal experience has taught me, is the surest of sources for continual prayer—one that will prove an unfailing well-spring of constant communion in after life. I doubt if that soul ever becomes utterly prayerless that was taught to say an evening prayer, invariably, when a little child.

WHY GERMAN CITIES ARE BEAUTIFUL AND HEALTHFUL

BY W. H. TOLMAN

IN many ways America is true to the National reputation of adaptability and enterprise in absorbing the experience of the world and then adapting it to meet local conditions. When it comes to village or city building, there seems to be an utter lack of anything like civic foresight. This may be due to a spirit of optimism that everything will somehow come out all right, or more often, perhaps, to general stupidity in not anticipating the necessity for extension. In the United States new districts are still laid out after the old system of straight lines and rectangles, irrespective of traffic conditions and topography. German cities followed the same system years ago; but in recent years present-day requirements and the specialized needs of localities receive due consideration. For example, factory, business, and housing districts are all planned for the peculiar requirements of each, notably in the width of the streets according to district conditions. In the housing district front yards are considered, the height of the houses in proportion to the width of the street, and the building sites are so restricted as to admit sufficient light and air. Ordinances govern the height of rooms, the number of windows per room, and details of safe construction. The pavement of the streets is suited to the character of the surrounding neighborhood; while the best pavement is none too good for the main thoroughfares, a cheaper pavement is selected for streets where traffic is not heavy. In laying out new streets, provision is always made for the future erection of public buildings, playgrounds, and recreation centers.

From a special report to the American Institute of Social Service by Dr. Wilms, Mayor of Posen, I learn that the erection of buildings, public or private, has received the same careful consideration by the authorities as the planning of streets. Each building must be a bit of mosaic in the general artistic effect.

Municipal building takes the initiative and endeavors to influence private enterprise. When municipal property is bought for building purposes, the plans showing the front of the building to be erected are submitted to the authorities for approval, and they try to prevent the erection of buildings not in harmony with their surroundings. The disfigurement of street fronts by billboards is regulated. The æsthetic treatment of parks and open spaces is provided for, as well as of municipal cemeteries.

For the care of the street, including proper drainage, removal of accumulation, and a thorough system of cleaning, street-cleaning departments are organized in every German city.

The utilization of house refuse is still a troublesome factor. Its composition makes utilization for fertilizing purposes difficult. Lately the English system of incineration has been tried by different cities, but the results have not been so successful as in England, owing to the different composition of the ash—in other words, the difference between the German and English coal.

Sewage pipes are underground, and receive street drainage as well as house

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sewage. Some cities separate the drainage from the sewage system. Pipes conduct the sewage outside of the city limits, and utilize it or dispose of it in various ways. Berlin and Breslau carry it through fields called "Rieselfelder," where it is used for fertilizing and manuring. In other cities the pipes empty into rivers, after their contents have been clarified. This clarification is done by a twofold process—either purely mechanical by raking, or by settling in so-called clarifying basins. Either process of separation is very costly and difficult, as it forces the towns to acquire larger areas to be fertilized with this waste.

Nearly all cities own their own water-works. Formerly filtered river water was used to supply cities. In recent years well water has taken its place more and more. Water drawn from rivers must pass through a gravel filtration process. The newer system of water supply does not necessitate special filtration, as the water is pumped up in a pure state. In some special cases, however, it is filtered, and where it contains much iron this is eliminated by the introduction of air and filtration through gravel beds. The water supply is not regarded by the city as a business enterprise, inasmuch as a higher rate would interfere with its free consumption. The cost to German cities for maintaining water-works is greater than in American cities, therefore the rates charged are somewhat higher, and the average consumption is consequently less.

Gas plants are in most cases owned by the city, thus adding largely to the city's income.

Electric lighting plants are only partly municipalized, but the tendency in this respect is in favor of municalization. Cities are urged to erect plants where as yet no electric lighting plants exist, and even in competition with private enterprises already operating.

Street railways are only partially municipalized. In many cities these are operated by private corporations. These corporations then receive franchises from the cities to lay tracks, and, in return for this privilege, they in the first place maintain part of the street in proper condition, and, secondly, pay the city annually either a certain stipulated sum or a fixed percentage of the earnings. Many cities in addition reserve the right to determine the rate of fares to be charged.

The larger cities have, almost without exception, hygienic institutes where all questions relating to the public health of the city are studied. The interest of the authorities in the promotion of public health has led to a considerable decrease in mortality during the last decade. In the seventies the death rate was 35–40 per thousand; to-day the average has decreased to 20 per thousand. In cases of contagious diseases prompt notice to the Board of Health is compulsory. All premises are disinfected by the Board of Health, and the poorer classes are not charged for fumigation. In some cities, as, for instance, Posen, disinfection is free for all classes.

The inspection of foods, such as milk, butter, and meat, is in charge of the Board of Health. Public swimming and shower baths are provided.

Consumptives are cared for in homes for consumptives, and persons suffering from incipient consumption are sent to forest colonies. Those unable to pay for treatment are placed in these institutions at the expense of the city or State. Asylums are provided for the feeble-minded. Any one who, on account of illness or incapacity, cannot support himself receives relief from the Poor Department, in case the sickness, old age, invalidity, and accident insurance does not provide for his maintenance, or the support received is insufficient.

Even the very smallest city runs its own slaughter-house. Cattle are kept in stock-yards connected with the slaughter-houses, and are inspected immediately upon arrival. After killing, another thorough inspection takes place, and the animal is either stamped as approved or discarded. Every slaughter-house has a special department for the microscopic examination of pork.

The departments of education of the various communities and cities provide public elementary and high schools. Special schools and institutes give courses in the building trade and machine-shop

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

training. Cities engaged in special industries, such as textile, ceramic, or wood-carving, have special schools. There are arts and crafts schools for women. When the public school education of the child is completed, there are the continuation schools. In the upper grades the girls are taught cooking. School physicians examine the children, and cases of ill health and disease are reported by them to the teachers and parents.

For the laboring classes people's restaurants and coffee-houses are opened, these at the same time serving as substitutes for the saloons.

For instruction and information in legal matters many cities maintain bureaus and consulting stations.

Almost every city has its own municipal theater, and most of the large cities their own concert halls, conductors, and orchestras. In the opinion of Dr. Wilms, all this civic foresight shows the growing tendency towards municipal ownership of public utilities in order to administer them in the best interests of the communities.

Those who studied the exhibits of the German cities at the St. Louis Exposition could not fail to be impressed with the courage and completeness of the plans, and the determination of the authorities to make their municipalities civic homes provided with all the comforts and adornments of the individual home. The movement is growing with cumulative force, based on a substantial foundation of Teutonic thoroughness and science, because everywhere, in large cities and small towns, the authorities have expert economists working out the social, industrial, and economic problems that confront the cities in every phase of human progress.

IMPRESSIONS OF A CARELESS TRAVELER

SOME LIGHT FROM THE LAMP OF EXPERIENCE

WHEN the course of events has brought an undeveloped race under the government of a superior race, what is the duty of the superior race? To this question three answers are given: first, that duty demands that the undeveloped race be left to its own self-development under a system of self-government; second, that the superior race govern the undeveloped race—of course justly and for the benefit of the governed; third, that it undertake to teach the undeveloped race self-government, and govern it meanwhile for the purpose of developing such power of self-government. All three methods can be seen in operation in the West Indies, and the respective results of each method can there be studied.

Santo Domingo is "independent." We did not land at Santo Domingo; but one incident in our voyage served to indicate the degree of commercial prosperity which "independence" has given to this undeveloped people. I asked our captain if we should sail within sight of its coast. "Hardly," he replied. "We have to keep at a distance from the shore, for the coast is not charted and is not safe." The fact that the coast is uncharted was noted on a chart of the West Indies which I carried with me, and although at night we were within sight of its lights had there been any, I saw but one light at night and no lighthouse by day at the one time when we passed near Port au Prince, its principal port. In this respect at least the independence of a semi-barbaric people has kept Santo Domingo a century behind its neighbors. Whether the right to be independent belongs to a people whose independence involves commercial peril to the commercial world, because they lack either the intelligence or the public spirit to chart their coast and light their headlands, is a question in international ethics which I will not discuss.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

If it were in discussion, I should take the negative. The internal administration of this independent republic is no better than its fulfillment of its international duties. Mr. Ober, in his admirable guide-book to the West Indies—"Our West Indian Neighbors"—gives a pitiful picture of conditions in Santo Domingo, conditions which are apparently growing worse rather than better. At Port au Prince, he says, "every one throws his refuse before his door, . . . pools of stagnant water obstruct the streets everywhere; . . . there are few good buildings in the town and none in the country, the torch of the incendiary being constantly applied. . . . As God made it, Hayti is a dream of delight; as the black man has defiled it, no white person can live there and be content. . . . Its great structures erected by the French of the eighteenth century are shapeless heaps of brick and stone, while the fountains they provided are choked, the aqueducts they constructed in ruins, and the gardens they laid out gone to decay. . . . The gutters are filled with filth, the air tainted with pestilential emanations." That appears to me too high a price to pay for political independence. It is a misnomer to call this self-government; it is anarchy—self-no-government.

Barbados, Trinidad, and Jamaica afford illustrations of the working of the second method: the permanent government of an undeveloped people by a superior race. The government is criticised as expensive. Mr. Ober gives the following figures as to the expenses of government in Trinidad: "A governor at $25,000 per annum, an attorney-general at $7,500, a colonial secretary and a director of public works at $6,000 each, and fifteen other public servants with salaries ranging from $3,000 to $5,000 apiece;" and they rule over "less than half a million inhabitants." Whether this is extravagance or not I cannot judge. Governing a subject race is always expensive business if it is well done. The governing country must either pay good salaries for good men or poor salaries for poor men. Office in a colony does not appeal to political ambition, for it is rarely in the line of promotion to better office at home; and political missionaries who will go for the love of humanity are not numerous, nor are such men available on small salaries unless they have independent incomes. Bureaucratic government is always more expensive than democratic government; it may be better, but it costs more. The salaries we are paying our officials at Porto Rico appear to me as much too little as the salaries paid in Trinidad by Great Britain may be too great. Extravagant or not, the English governments in the West Indies appeared to me good—*as governments*. That is, persons and property are well protected; disorder is rare; crimes of violence are far less frequent than in those portions of our own country in which the population is as mixed in character as it is in all the West Indies; the roads are excellent, far superior to the average roads in even the well-settled States of the Union. Sanitation is excellent; the streets of the cities are clean; the public buildings adequate without being elegant; the wharves are in good condition, the coasts well charted and well lighted. But when one turns his attention to the private and personal aspects of life, the indications are not equally encouraging. The houses of the poorer people are decidedly poor; one-roomed cottages are common; clothes are generally unkempt, and in the case of boys of considerable age, in the southern West Indies, hardly sufficient to conform to the canons of propriety, though none at all would be quite adequate for comfort. I visited no schools in these colonies; but the school-houses which we passed did not generally indicate high educational standards; neither, with some notable exceptions, did the pupils whom we saw going to school or the books they carried in their hands. In a word, the people appeared to be well governed but not to be in any process of individual development. They appeared contented but not ambitious; happy but not aspiring. Port-of-Spain as we saw it did not differ materially from Port-of-Spain as Charles Kingsley saw it in 1871. He expected that the Botanic Gardens of that city "will become a Tropic Garden of the Tuileries, alive at five o'clock every

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

evening with human flowers of every hue." In fact, they were in 1906 much what they were thirty-odd years before, when he visited them. Under self-government life and character in Hayti and Santo Domingo have retrograded; under bureaucratic government life and character in the English West Indies have remained very nearly stationary.

America has attempted in the West Indies a third method, that of educating a people for self-government and meanwhile exercising just as little government over them as is consistent with carrying through the educative process without suffering them to relapse into anarchy and barbarism. This we have done, though by different methods, both in Cuba and Porto Rico. In Cuba, to a people that had lived for centuries under a government administered for the benefit of the governors, we set an example of a government administered for the benefit of the governed. It was at first purely autocratic. Our military authorities prescribed the rules and compelled obedience to them. A city police was established; life and property were made safe; order was maintained; brigandage in the country was repressed; the city streets were paved and cleaned; sanitation was enforced; house-cleaning was required from each individual householder; the corrupt and irregular tolls levied at the custom-houses were brought to an end; courts of justice were established; schools for the children of the common people were opened; in short, an object-lesson in civilized government was given to a people that had never known what civilized government is. Then we left them to themselves, subject to certain restrictions, in form voluntarily agreed upon by a treaty, in fact imposed upon them as a condition of our withdrawal and their independence. These restrictions involved an obligation on their part to maintain a certain sanitary standard and to keep from national insolvency, and on our part to protect them from extravagant expenditures, from revolutions at home and from invasion from abroad. Cuba has not only been given her independence but has been furnished with standards of life by America, and her independence is modified by the mutual obligations assumed both by her and by ourselves in the quasi-protectorate which has been established. And no one can spend even a day in Havana without seeing, not only the reforms which have been accomplished in the past, but also the impulse toward progress in the present. In the cleanliness of the streets, in the public improvements under way, in the condition of the well-clad children going to and from their schools, in the chance conversations with salesmen in the shops, in the tone of the daily press, in the general air of hopefulness which one meets at every turn, there is abundant evidence that the face of Cuba is set toward the future. She is not only governed well, she is growing well.

What are the feelings of the Cubans toward the Americans? I asked this question of some residents whom I chanced to meet, and, without quoting any one conversation, I can give my own resultant impression. This is that the feelings are contradictory. There is a real feeling of gratitude to America, but it approximates what the philosophers call a sub-conscious feeling. I believe it will eventually assert itself and dominate the other and more superficial feeling of resentment. This feeling of resentment is due to two causes. It is partly a pique; the Cubans are a proud race, and would like to believe that they had won their independence themselves; they resent the notion that it has been won for them and given to them by their stronger neighbor. They know that this is true; but they do not like the truth. Pique would probably soon disappear were it not for the attitude of some Americans engaged in commercial ventures in Cuba, who assume that aggressive air of superiority which makes both Brother Jonathan and John Bull peculiarly offensive to foreigners, and especially so to the Latin races. At present there is little or no inclination discoverable among the Cubans for any closer relation between Cuba and the United States than now exists; curiously, this inclination is more to be found among the Spaniards than the native Cubans.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Curiously, too, while the old aristocratic Spaniards are gradually returning to their native land, there is a considerable Spanish emigration of the peasant class setting toward Cuba, and this is opening up the country and promising it a future agricultural development such as it never knew under Spanish domination. A striking evidence of the improved political and industrial conditions of the island is furnished by this fact that Spaniards are immigrating in considerable numbers into Cuba now that Spain has been expelled from the island. And it also furnishes a striking illustration of the benefits of coupling government with education in self-government. I did not learn that there was any movement of population toward either Santo Domingo or the English West Indies. Of Porto Rico I will speak in my next letter.

L. A.

ABRAHAM LINCOLN'S MASTERY OF MEN[1]

ALTHOUGH Abraham Lincoln has been the subject of innumerable biographies, memoirs, and studies, the appearance of a new book dealing with his life and works is certain to arouse interest. There is much in his personality and career concerning which the last word is far from said, and there is thus always the hope that the latest writer will give to the world some hitherto undiscovered facts illuminating the unplumbed depths of his transcendent genius; or will at least so present and interpret known facts in the light of chronological distance as to invest the life of the Great Emancipator with a richer significance to a generation that knew him not. Doing neither of these things, no book on Lincoln need be written at this day, save, of course, to meet the requirements of some biographical series. Consequently, the latter-day aspirant to Lincoln portraiture must be prepared to encounter the most rigid criticism and to be unsparingly condemned if he fail to increase our knowledge in the one way or the other. Applying the first test to the most recently published study of Lincoln—Alonzo Rothschild's "Lincoln, Master of Men"—the verdict cannot be other than adverse. It is evident that Mr. Rothschild has spared no pains to make himself acquainted with all that has been written and said of the giant whose character he would elucidate; his list of references, indeed, is perhaps the most extensive that has yet been compiled in connection with a Lincoln biography. But his delving into sources has been productive of nothing new in the way of concrete data—he has merely brought together for his own purposes the salient and the illustrative to be found in such readily accessible works as the writings of Nicolay and Hay, Herndon, Lamon, Morse, Barrett, Browne, Conway, and McClure. His book, therefore, must stand or fall as it fulfills or fails to fulfill the second condition.

The first few pages give rise to the suspicion that it is certain to labor throughout under a heavy handicap, and this suspicion grows as the plan of the work develops. What Mr. Rothschild does is to apply to a sustained piece of biographical writing the idea on which brief biographical essays are frequently based. This is the elaboration, not of the several characteristics, but of what the writer deems the predominating characteristic, of his hero. In the present instance the emphasis is laid upon the quality of masterfulness which was such a distinctive element in Lincoln's composition, and which Mr. Rothschild is confident provides the key to his amazing success in handling the colossal problems of the Civil War and all the lesser problems so happily solved. Earlier biographers have, of course, laid greater or less stress upon the masterfulness of Lincoln, but none to the degree found in Mr. Rothschild's pages.

[1] *Lincoln, Master of Men.* By Alonzo Rothschild. Houghton, Mifflin & Co., Boston. $3, net.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

His object it is to show how this quality was developed and how it found expression in the successive stages of Lincoln's career. For this purpose he divides his book into eight chapters, in each of which attention is focused on the selected trait. The first chapter treats of Lincoln's childhood and youth, his backwoods, river, and store-tending days; and we are made to realize with peculiar clearness the truth that even in this epoch of "pulling and wooling" Lincoln had acquired to a remarkable extent the rudiments of mastery, had learned that he who would control others must first control himself, and already appreciated the potency of tact. Then, under the caption of "Love, War, and Politics," follows an account of his courtship and marriage, his first taste of the sweets and responsibilities of office as Captain of the New Salem militia company in the Black Hawk War, and the early stirrings of his political ambitions. The story of his long rivalry with Douglas is next told; and here occurs a passage lending itself admirably to quotation, and deserving repetition as illustrative of the felicity of thought and expression that gives charm to all of Mr. Rothschild's pages:

> The early encounters and controversies of Lincoln were insignificant when compared to the rivalry that existed for almost twenty-five years between him and Stephen A. Douglas. First as enthusiastic adherents of opposing parties, and later as acknowledged leaders of these parties, they so conducted themselves that the orbits of their political ambitions crossed and recrossed each other. The star of Douglas was generally in the ascendant. He became successively State's Attorney, Member of the Illinois Legislature, Register of the Land Office at Springfield, Secretary of State for Illinois, Judge of the Supreme Court of that State, Member of Congress, and United States Senator. His rival's planet, on the other hand, showed during that same period the comparatively meager glory of four terms in the State Legislature and one in the Lower House of Congress. Yet the inferior light, swinging in season and out across the pathway of the other, became steadily brighter in the reflected rays of the larger luminary, until suddenly they presented a singular phenomenon. The lesser became the greater, for while the one had grown the other had diminished; and the rising orb, throwing off at last the borrowed beams, shone by its own intense power—so intense, indeed, that as its splendor spread the waning star went out in total eclipse.

The Douglas chapter includes, as may be expected, a comprehensive survey of the unforgetable debates, and also advances the narrative to Lincoln's nomination for the Presidency by the Chicago Convention, his campaign, and his election. Thereafter Mr. Rothschild adopts the topical in place of the chronological method. The fourth chapter, suggestively entitled "The Power Behind the Throne," discusses the relations between the great President and his great Secretary of State, William H. Seward; the fifth, the conduct of Salmon P. Chase when Secretary of the Treasury and the way Lincoln handled him; the sixth, Lincoln's attitude to his War Secretary, Edwin M. Stanton; the seventh and eighth, Lincoln's treatment of his insubordinate military aides, John C. Fremont and George B. McClellan. Always the effort is to impress upon the reader's consciousness the latent strength, the steadfastness of purpose, and the indomitable will of Lincoln; and there can be no question of Mr. Rothschild's success in this respect. But the dangers inherent in this form of biographical writing are obvious. There is the danger, chiefly, of presenting an erroneous, a one-sided view of the subject. This Mr. Rothschild does not wholly escape, although his work abounds in passages revealing the ideality, the magnanimity, the kindliness, the honesty of Lincoln. He is likewise open to criticism in his delineation of the men whose policies and purposes at times clashed with Lincoln's. Especially does he seem unfair to Seward and McClellan; and his picture of the relations between Lincoln and his Cabinet as a whole is hardly short of misleading.

But in spite of these defects his work undoubtedly assists to more adequate appreciation of the greatness of Lincoln's achievement. It has been said that the more Lincoln's career is studied the more impressive seems his success, and Mr. Rothschild's treatise assuredly bears out this statement. Nor does he, be it noted, write as an apologist or indiscriminating hero-worshiper, although he does write at all times with frank

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

sympathy. His style, as the paragraph quoted shows sufficiently, is singularly attractive, and appeals, as biographical and historical writing always should appeal, to the imagination of the reader. Certainly Lincoln has had few biographers so capable from the standpoint either of insight or literary workmanship. For these reasons, Mr. Rothschild's volume is deserving of a warm welcome from all who would better their acquaintance with the immortal chieftain whose genius brought the Nation safely through the gravest crisis of its history.

JOHN WESLEY[1]

THE student who desires out of a mass of material to construct his own portrait of John Wesley will go, of course, to the life by Tyerman, and to so much of John Wesley's journals as have been printed. But the reader who desires to see a pen-and-ink portrait by a literary artist will find it in this volume by Professor Winchester. Comparisons are difficult as well as odious, but we are inclined to the belief that this is, all things considered, the best biography of John Wesley. Professor Winchester is critical and yet judicial, sympathetic but not eulogistic; he recognizes Wesley's limitations and his defects, but is not by them blinded to his moral virtues and his intellectual genius; and he writes in a style which is luminous without being rhetorical, warm without being emotional, and simple without being commonplace.

Methodism was a movement from a narrow ecclesiasticism to a broad catholicism, from a class religion to a democratic religion, from a religion of legalism to a religion of the spirit. John Wesley was its founder and its leader because he himself passed through the transitions through which it was needful that the English people should pass. Beginning life as a High Churchman, he became a Broad Churchman; beginning life as a legalist, he became an apostle of spiritual liberty; always a cultivated gentleman, he gave himself to a ministry to the unkempt, stolid, and unintelligent masses of a peculiarly unimpressionable people.

There is no space here to trace the process of spiritual development in John Wesley, the narrow, legalistic High Churchman, that made him the broad, spiritual, catholic, Christian evangelist. Suffice it to say that it brought him to his fundamental faith, which was with him at once a doctrine and an experience. "The religious man," says Professor Winchester, "is the man filled with a sense of the presence of God and of the force of spiritual laws, *here* and *now*, convinced of an immediate relation between himself and the Supreme Being." John Wesley passed from a traditional belief in a mediate relationship with God, furnished by the Bible and the Church, to this living faith in the immediate relationship between the soul and God; and this, which became for him a personal experience, became also for him a catholic doctrine. That is, he believed that this was an experience possible to all men; that in all men was a spiritual potentiality; and that all that was needed to make of any man, however uncultured, a child of God, was, on the one hand, an arousing of this spiritual capacity in him, and, on the other, his loyal acceptance and obedience to the divine voice thus awakened within his own soul. Out of this experience would grow naturally and inevitably an ethical righteousness. Such an experience was not, in John Wesley's belief, confined to the elect—in this respect he differed from the Calvinist; nor to the cultivated—in this respect he differed from the Church of England folk; nor to the morally cultured—in this respect he differed from the Puritans. The story of his life-work is the story of the practical effect of this faith in the spiritual possibility of all men on the undeveloped classes of England in a notably unspiritual epoch. The open-minded philosopher, however little he may be inclined to mysticism, can hardly fail to recognize

[1] *The Life of John Wesley*. By C. T. Winchester, Professor of English Literature in Wesleyan University. With Portraits. The Macmillan Company, New York.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that there is much in the story of John Wesley's career to give ground for his spiritual convictions.

The most natural explanation of his extraordinary physical endurance is that the spirit has a power over the body greater than has been usually attributed to it. He was a little man, "barely five feet six inches in height," and spare as well as short. He was anything but an athlete, and his early life certainly did nothing to develop in him remarkable physical powers. And yet he seemed to possess such powers. He died in the eighty-eighth year of his age, and his last birthday he wrote in his diary, "For above eighty-six years I found none of the infirmities of age; my eyes did not wax dim, neither was my natural strength abated." Yet he had used his body to a degree rare in human history. "In the fifty years of his itinerant life he preached over fifty thousand times—an average of some fifteen sermons a week." "The distances he had to travel made him a hard rider;" yet "his saddle was his study; most of his miscellaneous reading was done on horseback." And it was very miscellaneous. Nothing in literature that was of any value came amiss to him. "He was familiar not only with the great works of his own literature, but with those of the Greek, Latin, Italian, French, German, and he had a good reading knowledge of Spanish. Among the authors of classic rank whom he mentions in the Journal—and that not merely by a word of quotation or an incidental reference, but in a way to indicate that he was actually reading them at the time or had long been familiar with them—are Homer, Plato, Xenophon, Demosthenes, Anacreon; Lucien, Virgil, Cicero, Juvenal, Horace, Aristo, Tasso; Voltaire, Rousseau; Shakespeare, Milton, Cowley, Dryden, Locke, Pope, Swift, Prior, Young, Thomson, Gray, Sterne, Johnson, Ossian. And this is by no means a complete list." In brief, John Wesley "was a scholar of the old school. He could stand Macaulay's test of a scholar—he could read Greek with his feet on the fender." That a man should be able to ride from thirty to sixty miles a day, preach fifteen sermons a week, devote the interim to personal conferences, carry on an executive and administrative work which resulted in the creation of one of the great ecclesiastical organizations of the world, and at the same time not only keep up such a wide range of reading but also an interest in such a wide range of themes, and this though his body gave no indication of notable physical powers, but rather the reverse, furnishes no mean support for his theory of the power of the spiritual nature over the physical.

But this is only one of the evidences of the truth of his postulate which his life affords. His power over other men furnishes a still stronger evidence pointing in the same direction. His preaching was simple, undramatic, unrhetorical. He had none of the devices of the elocutionist. "Whether preaching in St. Mary's at Oxford, or under the open sky at Gwennep in Cornwall, he was always the same quiet, refined, but plain-speaking man." Though his audience was numbered by thousands, he spoke to each individual. "Said John Nelson, when he first heard him, 'He made my heart beat like the pendulum of a clock. I thought he spoke to no one but me. This man can tell the secrets of the heart.'" Nor was it only nor chiefly the spiritually cultured whom he reached. The lowest of the low often constituted a large element, if not the largest element, in his congregations. Here is a snapshot of some typical hearers: "One day, as he was going to preach on a common near Chowder, twenty or thirty children ran about him like some dumb, hungry animals. They were only just not naked. The eldest, a girl of fifteen, had only a piece of ragged blanket hanging upon her, and a dirty cap upon her head." But he rarely, it would probably be safe to say never, appealed to the lower and meaner motives of his auditors. "It is evident that if Wesley led these tradesmen and cobblers and smugglers to feel that they were sinners and needed somehow to get rid of their sin, he did it not by threats, seldom even by warnings. He preached, rather, the love of God to man, because his own heart was filled with a great love and pity for his sinning and suffering fellows. Not even Channing was more persistent in

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

his assumption that in all men, even the most degraded, there is a spark of divinity, than was Wesley; and his success in blowing this spark into the flame is attested by the rise and progress of Methodism in his lifetime.

Nor was this spiritual faith in man a mystical and unpractical enthusiasm. It is a common notion in our time that physical improvement, secular education, and ethical culture must precede spiritual life. Wesley was not indifferent to physical conditions—he was a pioneer in the modern movement for the establishment of dispensaries for the poor, and was actively interested in industrial and social reform, and was one of the earliest advocates of popular education. He insisted on good citizenship as a part of religion, and vigorously assailed smuggling and bribery as irreligious. But this insistence on the homely practical virtues was not as a prerequisite to spiritual experience, but as a product of it. And the spiritual experience which his ministry inspired did in fact produce the homely practical virtues, and because of this fact Methodism made its way in spite of the opposition of mobs and the churchmen. Some Methodists were arraigned before a magistrate. He called on their accusers to specify their complaints. "Said an old man, 'Please your worship, they have *converted* my wife. Till she went among them she had such a tongue! And now she is quiet as a lamb.' 'Carry them back, carry them back,' said the justice, 'and let them convert every scold in the town.'" It is safe to say that the ethical result of the Methodist movement on the English people was one of the principal factors which operated to save England from the revolution which devastated France, and not unreasonable to find in so large and so beneficent result an evidence of the truth of Wesley's assumption of a divine nature in all men that will answer to the direct appeal of one who possesses a genuine spiritual experience and knows how to give expression to it.

There are a number of dramatic illustrations of the power of Mr. Wesley now over mobs, now over individuals, for which, in our judgment, philosophy can offer no better explanation than the acceptance of John Wesley's postulate of the reality and forcefulness of the spiritual nature in man. But the limits of our space forbid further quotation. We hope that this notice may have the effect of sending our readers to Professor Winchester's volume; they will find in it an inspiration to courage, to common sense, to a catholic spirit, and, above all, to that faith in the spiritual life which is the fundamental secret of power in the Christian Church.

Letters to The Outlook

HOW TO BE BLIND

Reading Helen Keller's article in The Outlook for April 28, I was sorry to see no mention of the institution maintained in Oakland, California, by the State, for the benefit of the class for whom she pleads.

A peculiar interest attaches to this home, as its Superintendent, Joseph Sanders, has personally demonstrated "How to be Blind" and at the same time to be an exceptionally useful citizen. Losing his sight at eleven years of age, he was sent to the Pennsylvania Institution for the Blind, where he set out to become not only self-supporting but to be a help to others.

In five years he acquired a fair practical literary education and mastered the trades of broom and mattress making, hammock, rag carpet, and mat weaving; he then became a teacher and later assistant superintendent in the Industrial Home established in Philadelphia by a blind man. Hearing of his qualifications, twenty-one years ago the promoters of the California Home for the Adult Blind asked him to come here on a year's leave of absence to organize its workshops; the leave of absence was extended till, before the end of the fourth year, he was made superintendent, which place he has filled ever since with great ability, with the unfortunate exception of three years and a half when political influence displaced him, the Home suffering pecuniary loss and general deterioration thereby. His return caused the reopening of shops and re-establishment of former conditions.

The institution is regarded as a model of

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

its kind, inquiries coming from many States and some foreign countries regarding its methods. The inmates are not paupers; their work is of excellent quality, finding ready market. It includes, besides the trades before mentioned, the caning of chairs, and the workers are proud of their skill. They are paid for their labors, $27,000 having been earned by them in the last six years and a half. Some have bank accounts; all go neatly clad and have an air of self-respect. Mr. Sanders is a skillful teacher as well as a capable man of business. Knowing the difficulties in the way of his adult pupils, he has patience and sympathy, and his success is a cheering example. He has so far overcome the handicap of his infirmity as to enjoy the sports of swimming, skating, and fishing.

There is an average of eighty-five men and twenty-five inmates in the Home, and during the recent earthquake they showed that they had effectually learned "How to be Blind" by meeting the shock quite as calmly as their more fortunate neighbors, only two out of the one hundred and ten becoming seriously unnerved. M. F. M.

Oakland, California.

THE NEW SENATOR FROM KANSAS

In your notice of the new Kansas Senator you commend Governor Hoch's appointment of Mr. Coburn, who declined, but do not seem to favor so strongly Judge Benson's appointment. It is to be supposed that the Governor was moved by the same purpose in both of the appointments. Judge Benson is a man of the highest character and of fine ability, and I see no reason why he will not only make a dignified but also a forceful Senator. Some strong and good men are candidates for the place, but most of them are active politicians. Governor Hoch says that "the people are immensely pleased with the appointment of Mr. Coburn and Judge Benson, and even the politicians are now pretending to be," and there is good reason to believe that Judge Benson may have a good chance for election by the next Legislature.

Mr. Benson was a private soldier in the Civil War. He was shot through the body at Chancellorsville and left for dead on the field. He was afterwards taken to the hospital, and while there was commissioned as a lieutenant for his gallant conduct. He was promoted to be captain and major. He has been active in church and temperance work and in favor of the best things in Church and State. While a modest man, he is capable of making strong and truly eloquent speeches on the great questions of the day that will give him high rank in the United States Senate. DUNCAN C. MILNER.

MOSQUITOES ON THE ISTHMUS

The editorial columns of The Outlook on several occasions during the past few weeks have, on the subject of the Panama Canal, made reference to the artificial lake in the lock canal plan as possibly proving a source of propagation of mosquitoes, and thereby an agent for the spread of malaria and yellow fever.

In your number for June 23, 1906, just received, you state that a "reply had been made, whether scientifically accurate or not," that "such a lake as proposed does not constitute a breeding-place for mosquitoes."

By this time I suppose the "scientific" reason has been given you, which I think should have been stated.

Such a lake of water, as proposed in the lock canal plan, supplied by a river like the Chagres, will naturally be stocked with fish, particularly the small minnow variety.

It is a known fact that such fish feed on larvæ, should any be present, so that such larvæ can never develop into mosquitoes. Certainly, if the lake has no fish, it can easily be stocked to solve the problem.

If mosquito larvæ develop in such a lake, they will be found at the edge of the water, where the small fish also abound.

R. H. VON EZDORF,
Passed Asst. Surgeon U. S. Public Health and Marine Hospital Service.

Havana, Cuba.

AN OPPORTUNITY TO LEND A HAND

With every summer I am glad to ask those people in New England who read The Outlook to contribute what they will to our Outing Fund.

With this money we are able to send to the country people who have been left by other agencies in the close summer life of Boston, at a time when daily work for everybody ceases, at a time when God's own air as found by the way and in the woods seems more precious than ever.

Our enterprise generally is for old men, and in past years your readers have given new courage to many of those whom they have enabled us to send out from Boston upon country farms. So, without the least hesitation, I ask our old friends and our new friends to help us in our Outing Fund.

EDWARD E. HALE,
President of the Lend a Hand Society.

1 Beacon Street, Boston.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

RUBIFOAM
FOR THE TEETH

Like the sun bursting through the draperies of dawn, is a smile of pearls, radiant with RUBIFOAM

25¢ EVERYWHERE
SAMPLE FREE
E.W. HOYT & CO.
LOWELL, MASS.

BANKING BY MAIL

Capital - - $2,500,000
Surplus - - $2,500,000

$5,000,000.00

standing between depositors and any possible loss.

Assets - $30,000,000.00

Your deposits at this bank will be safe and bear 4 per cent interest.

SEND FOR BOOKLET "G" GIVING FACTS ABOUT BANKING BY MAIL

THIRTY MILLION DOLLARS ASSETS
56,000 INDIVIDUAL DEPOSITORS

The Cleveland Trust Company
(SAVINGS BANK)
CLEVELAND - - - OHIO

Lea & Perrins' Sauce

THE ORIGINAL WORCESTERSHIRE

No other sauce has the rare, rich flavor that has made **Lea & Perrins' Sauce** famous the world over.

John Duncan's Sons, Agts., N. Y.

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Do You Make Enough?

Does your work at counter, bench or desk pay you as much as you want or need? Are you being squeezed to death socially and intellectually because you have so little money for the things and the life that would broaden and develop you?

Make some systematic use of your spare time. Take a certain part of each day or evening and earn large sums in commissions, rebates, bonuses and prizes making yearly sales for THE LADIES' HOME JOURNAL and THE SATURDAY EVENING POST.

Any man or woman, young or old, and boy or girl, who wants to "get on" can "get" with the help our sales department will give them as its representative.

Do you make $1500 a year? Many of our salesmen and saleswomen make that and more. It is not "canvassing." It is a well-paid, respected and liberalizing business.

Write us for information.

THE CURTIS PUBLISHING COMPANY
3884-E Cherry St., Philadelphia, Pa.

Your Old Piano

In many a home there stands an old piano which is used but seldom now.

If you have such a piano why not trade it in, in exchange for a **Farrand Cecilian Piano,** which is a high grade upright piano of wonderfully clear, sweet tone, and with the mechanism of the **Metal Action Cecilian Piano Player** built inside the case. This wonderful piano can be played with the fingers just like any ordinary piano, or it can be played by means of the Cecilian player mechanism which is built into it, and thus becomes a means of pleasure and enjoyment for the entire family.

We will take your old piano in exchange at its full value, and if you desire you can pay the balance in easy monthly installments. The price is $675.00. Write us for further particulars.

THE FARRAND COMPANY
Paris, France **Detroit, Mich.** London, Eng.

THE THOUSAND ISLANDS

are more attractive than ever this season. The New York Central Lines' Four-Track Series No. 10, "The St. Lawrence River from the Thousand Islands to the Saguenay," contains the finest map ever made of this region. Copy will be sent free, postpaid, on receipt of a two-cent stamp by George H. Daniels, Manager, Room 23, General Advertising Department, Grand Central Station, New York. The

NEW YORK CENTRAL LINES

"America's Greatest Railroad"

REACH THE THOUSAND ISLANDS FROM EVERY DIRECTION

C. F. DALY, Passenger Traffic Manager
NEW YORK

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

DOCTOR'S SHIFT

Now Gets Along Without It

A physician says: "Until last fall I used to eat meat for my breakfast and suffered with indigestion until the meat had passed from the stomach.

"Last fall I began the use of Grape-Nuts for breakfast and very soon found I could do without meat, for my body got all the nourishment necessary from the Grape-Nuts and since then I have not had any indigestion and am feeling better and have increased in weight.

"Since finding the benefit I derived from Grape-Nuts I have prescribed the food for all of my patients suffering from indigestion or over-feeding and also for those recovering from disease where I want a food easy to take and certain to digest and which will not overtax the stomach.

"I always find the results I look for when I prescribe Grape-Nuts. For ethical reasons please omit my name." Name given by mail by Postum Co., Battle Creek, Mich.

The reason for the wonderful amount of nutriment and the easy digestion of Grape-Nuts is not hard to find.

In the first place, the starchy part of the wheat and barley goes through various processes of cooking, to perfectly change the starch into Dextrose or Post Sugar, in which state it is ready to be easily absorbed by the blood. The parts in the wheat and barley which Nature can make use of for rebuilding brain and nerve centers are retained in this remarkable food, and thus the human body is supplied with the powerful strength producers so easily noticed after one has eaten Grape-Nuts each day for a week or 10 days. "There's a reason."

Get the little book, "The Road to Wellville," in pkgs.

Are You Getting 5% On Your Money

It must have occurred to you time and time again that there was some way of investing your savings where they would earn 5% per year and be entirely free from the dangers of speculation.

Learn the facts regarding the non-speculative business of the Industrial Savings and Loan Company, which has been established over thirteen years, and during all this time has never paid less than

5% per year on savings accounts

Earnings reckoned for every day your money is in our care—no matter when received or when withdrawn. Always subject to your control. Earnings remitted quarterly, semi-annually, by check, or compounded as desired.

Assets $1,750,000

INDUSTRIAL SAVINGS and LOAN Co. NEW YORK CITY

Under New York Banking Department Supervision

Let us send you full particulars, which will show you how we have paid others 5% on their savings and are able to pay 5% on yours.

Industrial Savings and Loan Co.

10 Times Building Broadway, New York

Shirt-Waist Sale

This sale of Shirt-Waists will last only a few weeks longer, and it is advisable for you to order at once if you wish to take advantage of it.

You can pay a great deal more than the prices we ask and get shirt-waists not half so good as those we offer.

Our styles have been selected from the prettiest and most fashionable that New York artists have designed for the Summer season.

The waists are made of Batistes, Lawns and Nets, beautifully embroidered and trimmed.

No. 175 M. M. This waist of **white lawn** responds to many serviceable needs. The entire front is tucked in graduated yoke depth, and full length tucks vary the severity of the back, which exhibits a regularly made closing concealed under a box-plait. The shoulder seams and cuffs are in hemstitch finish. Tucks are a feature of the collar and cuffs, both of which are edged with lace. Regular value, $1.35.

Special price, $1

See Postage Note below.

No. 180 M. M. The popular Dutch yoke is an attractive feature of this handsome **white lawn** waist. A noticeable item is the embroidered front, above which German Val lace outlines the yoke, formed by baby tucks, and a lace frill with a band of insertion finishes the neck. The back is tucked at the top and closes invisibly, and tucked cuffs edged with lace supply a graceful touch to the elbow sleeves. Regular value, $1.75.

Special price, $1.25

See Postage Note below.

Sizes 32 to 44 bust measure

Be sure to mention Style and Size desired

Postage or Expressage on one waist is 15 cents; on two waists to one address, 20 cents; on three or four waists to one address, 25 cents. **If five or more waists are ordered at one time, to be sent to one address, you need not send any money for postage or expressage, as we will pay these charges.** In ordering less than five waists, however, be sure to enclose with your order an amount sufficient to pay for the waists desired and the necessary postage. Do not send stamps. Remit by post-office money order, express money order, bank draft, or registered letter.

If you are not satisfied, you may return the waists and we will refund your money.

We have other styles ranging in prices from $1.00 to $5.00, illustrated in our new **Summer Shirt-Waist Supplement**—sent **free** upon request.

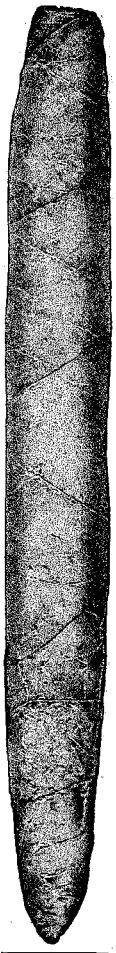
National Cloak & Suit Co.

119 and 121 West 23d Street, New York

Mail Orders Only **No Agents or Branches** **Est. 18 Years**

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

When you pay a retailer 10c for a cigar, where does the 10c go?



Shivers' Panatela
EXACT SIZE AND SHAPE

The retailer keeps a few cents of it for his profit, the jobber a few cents for his, and only half of that 10c actually reaches the manufacturer to pay for the tobacco and the making of the cigar.

Does the jobber or the retailer add one iota of value to that cigar? No; on the contrary, the cigar is a little the worse for having passed through the extra hands—it has had more opportunity to dry out, lose its aroma, and to absorb foreign odors. So, then, when you buy cigars of a retailer YOU REALLY PAY HIM FOR DEPRECIATING THE QUALITY OF THE CIGARS.

When you buy cigars from me you not only save all jobbers' and dealers' profits, getting your cigars at half retailers' price, but you get your cigars straight from my packing room, from a tobacco atmosphere, in unbroken, uncontaminated packages. So there are advantages of quality as well as of price in my way of selling cigars. Here is my offer that proves:

MY OFFER IS:—I will, upon request, send one hundred Shivers' Panatela Cigars on approval to a reader of The Outlook, express prepaid. He may smoke ten cigars and return the remaining ninety at my expense if he is not pleased with them; if he is pleased, and keeps them, he agrees to remit the price, $5.00, within ten days.

The fillers of these cigars are Clear Havana of good quality—not only clear, but long, clean Havana—no shorts or cuttings are used. They are handmade by the best of workmen. The making has much to do with the smoking qualities of a cigar. The wrappers are genuine Sumatra.

Enclose business card or give personal references, and state whether mild, medium, or strong cigars are wanted.

HERBERT D. SHIVERS
913 Filbert Street, Philadelphia, Pa.

TARTARLITHINE

For many years has been prescribed by our leading physicians. One writes: "*Since my beginning of the practice of medicine I have been using Tartarlithine with the very happiest results to patients and myself.*"

Rheumatism

Tartarlithine rarely fails because it supplies the blood with the necessary substances to dissolve and remove the poison of rheumatism—uric acid. We want every sufferer to try it, and will send a sample package with our booklet on the cure of rheumatism free to every applicant.

Free sample and our booklet on the cure of Rheumatism sent on request

McKESSON & ROBBINS
Dept. L, 93 Fulton St., New York
Sole agents for the Tartarlithine Co.

BILIOUSNESS BANISHED

There is one sure way to prevent the periodical bilious attack which causes such unnecessary suffering.

Take Tarrant's

Seltzer Aperient

(Trade-Mark Registered)

It keeps the liver active and the bowels regular. It purges the system of poisonous waste matter.

For 60 years TARRANT'S SELTZER APERIENT has been recommended by physicians as a valuable medicinal preparation in a palatable and agreeable form, with "*none of the objections which attend* the *operation* of *ordinary purgatives.*"

Children enjoy it.

TARRANT'S SELTZER APERIENT. TRADE MARK REGISTERED.

At your druggists or by mail from

The Tarrant Co.
44 Hudson Street
New York

PRODUCED BY UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED